



U.S. Customs and  
Border Protection

**Released through FOIAonline account**

November 15, 2018

CBP-2017-091929

Austin Evers  
American Oversight  
Washington, DC 20005

Dear Mr. Evers:

As agreed to in *American Oversight v. U.S. Department of Homeland Security, et al.*, Case No. 1:18-cv-00305-RDM (D.C.), this is the final response to your Freedom of Information Act (FOIA) request to U.S. Customs and Border Protection (CBP), on behalf of American Oversight, in which you are seeking records reflecting communications between CBP, and anyone in the White House Office regarding (1) the decision whether to award or not award any contractor a contract to construct a prototype of the wall, fence, or other physical barrier to be constructed along the U.S.-Mexico border; (2) any discussion of the evaluation of any submitted proposal to construct such a prototype; or (3) any guidance, direction, or decision regarding whether or how to make such an award.

A search of CBP databases produced 137 pages of records responsive to your request. CBP has determined that seven (7) pages will be released in full and no exemptions have been applied, 19 pages will be withheld in full pursuant to Title 5 U.S.C. § 552 (b)(5), and 61 pages are partially releasable pursuant to Title 5 U.S.C. § 552 (b)(5), (b)(6), (b)(7)(C), and (b)(7)(E). Additionally, the following documents totaling 50 pages are publically available at their corresponding links: Buy American Act and FAR (15 pages) available at <https://fas.org/sgp/crs/misc/R43140.pdf>, Buy American and Hire American (3 pages) <https://www.gpo.gov/fdsys/pkg/FR-2017-04-21>, and Buy American Domestic Content Restrictions (32 pages) <https://fas.org/sgp/crs/misc/R43354.pdf>, each link last accessed on November 14, 2018.

Uploaded to your FOIAonline account are 87 pages with certain information withheld as described below:

**FOIA Exemption (b)(5)** exempts from disclosure those inter- or intra-agency documents that are normally privileged in the civil discovery context. The three most frequently invoked privileges are the deliberative process privilege, the attorney work-product privilege, and the attorney-client privilege. After carefully reviewing the responsive documents, I have determined that portions of the responsive documents qualify for protection under the Deliberative Process Privilege: The types of records withheld under this privilege are drafts of documents and briefings and expressions of candid opinions, the release of which would discourage or inhibit the free and frank exchange of information among agency personnel. And Attorney-Client Privilege, the type of information withheld under this privilege is legal advice between the Office of Chief Counsel and members of CBP.

**FOIA Exemption (b)(6)** exempts from disclosure personnel or medical files and similar files the release of which would cause a clearly unwarranted invasion of personal privacy. This requires a balancing of the public's right to disclosure against the individual's right privacy. The types of documents and/or information that we have withheld may consist of birth certificates, naturalization certificates, driver license, social security numbers, home addresses, dates of birth, or various other documents and/or information belonging to a third party that are considered personal. The privacy interests of the individuals in the records you have requested outweigh any minimal public interest in disclosure of the information. Any private interest you may have in that information does not factor into the aforementioned balancing test.

**FOIA Exemption (b)(7)(C)** protects records or information compiled for law enforcement purposes that could reasonably be expected to constitute an unwarranted invasion of personal privacy. This exemption takes particular note of the strong interests of individuals, whether they are suspects, witnesses, or investigators, in not being unwarrantably associated with alleged criminal activity. That interest extends to persons who are not only the subjects of the investigation, but those who may have their privacy invaded by having their identities and information about them revealed in connection with an investigation. Based upon the traditional recognition of strong privacy interest in law enforcement records, categorical withholding of information that identifies third parties in law enforcement records is ordinarily appropriate.

**FOIA Exemption (b)(7)(E)** protects records compiled for law enforcement purposes, the release of which would disclose techniques and/or procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law. CBP has determined that disclosure could reasonably be expected to risk circumvention of the law

This completes CBP's response to your request. If you have questions or concerns regarding this interim response, you may contact Assistant United States Attorney Brian Field at 202-252-2551 or [brian.field@usdoj.gov](mailto:brian.field@usdoj.gov).

Please notate file number CBP-2017-091929 on any future correspondence to CBP related to this request.

Sincerely,

A handwritten signature in dark ink, appearing to read "Jodi Drengson". The signature is fluid and cursive, with the first name "Jodi" being more prominent.

Jodi Drengson  
FOIA Analyst, FOIA Division  
Office of Diversity and Civil Rights

**From:** [SMITH, BRENDA BROCKMAN](#)  
**To:** [ALLES, RANDOLPH D](#)  
**Cc:** [FLANAGAN, PATRICK S](#); (b) (6), (b) (7)(C)  
**Subject:** RE: National Trade Council Meeting on Buy American Provisions for Border Wall  
**Date:** Wednesday, March 15, 2017 3:46:48 PM

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I will work with (b) (6), (b) (7)(C) to make sure we have the right people there, and will catch up with you before Friday.

Brenda B. Smith  
Executive Assistant Commissioner  
Office of Trade  
US Customs and Border Protection  
1400 L St., NW 12th floor  
Washington, DC 20229

Email: (b) (6), (b) (7)(C)  
Phone: (b) (6), (b) (7)(C)

Please contact (b) (6), (b) (7)(C) or (b) (6), (b) (7)(C) for calendar information.

-----Original Message-----

From: ALLES, RANDOLPH D  
Sent: Wednesday, March 15, 2017 3:26 PM  
To: SMITH, BRENDA BROCKMAN (b) (6), (b) (7)(C)  
Cc: FLANAGAN, PATRICK S (b) (6), (b) (7)(C)  
(b) (6), (b) (7)(C)  
(b) (6), (b) (7)(C)  
Subject: RE: National Trade Council Meeting on Buy American Provisions for Border Wall

No input from me or C1 to my knowledge. Please ensure attendance. Let's talk for a few minutes before Friday.

V/R  
R. D. "Tex" Alles, (b) (6), (b) (7)(C) (O)

-----Original Message-----

From: SMITH, BRENDA BROCKMAN  
Sent: Wednesday, March 15, 2017 14:57  
To: ALLES, RANDOLPH D (b) (6), (b) (7)(C)  
Cc: FLANAGAN, PATRICK S (b) (6), (b) (7)(C)  
(b) (6), (b) (7)(C)  
(b) (6), (b) (7)(C)  
Subject: FW: National Trade Council Meeting on Buy American Provisions for Border Wall

Deputy - I assume we had something to do with the scheduling of this meeting - but wanted to be sure that you had visibility. Who would you recommend attends to represent CBP?

Brenda

Brenda B. Smith  
Executive Assistant Commissioner  
Office of Trade  
US Customs and Border Protection  
1400 L St., NW 12th floor  
Washington, DC 20229

Email: (b)(6) (b)(7)(c)  
Phone: (b) (6), (b) (7)(C)

Please contact (b) (6), (b) (7)(C) or (b)(6) (b)(7)(c) for calendar information.

-----Original Message-----

From: Gray, Alexander B. EOP/WHO (b) (6)  
Sent: Wednesday, March 15, 2017 2:51 PM  
To: Diaz-Rosillo, Carlos E. EOP/WHO (b) (6) SMITH, BRENDA BROCKMAN  
(b)(6) (b)(7)(c)  
Vaughn, Stephen P. EOP/USTR (b) (6) Griffin, Payne P. EOP/USTR  
(b) (6) Morrell, David M. EOP/WHO (b) (6)  
Cc: Navarro, Peter K. EOP/WHO (b) (6)  
Subject: National Trade Council Meeting on Buy American Provisions for Border Wall

All,

I'd like to propose a meeting at the White House, facilitated by the National Trade Council, to discuss the Buy American challenges involving the Border Wall. For those who have not followed this closely, CBP requires certain (b) (4)

this. This meeting should include the relevant lawyers from your agencies who have worked on this issue and any policy staff you feel should attend. The goal of this meeting is an agreed path forward to ensure that Buy American is the prevailing policy for this project going forward and that all stakeholders are on the same page regarding the legal authorities/waivers required to proceed.

Given the impending RFP for the Wall prototype and the urgency of resolving this issue satisfactorily, I would like to schedule this meeting tentatively for this Friday at 2PM in EOB 160A. Please let me know who will be attending from your shop and I will send you a calendar invitation.

Thanks,

Alex

Alexander B. Gray  
Special Assistant to the President  
Deputy Director for the Defense Industrial Base White House National Trade Council

**From:** [KOLBE, KATHRYN](#)  
**To:** [ALLES, RANDOLPH D](#); [FRIEL, MICHAEL J](#); [CALVO, KARL H.](#)  
**Cc:** [FLANAGAN, PATRICK S](#); (b) (6), (b) (7)(C) [LOWRY, KIM M](#)  
**Subject:** RE: First 100 Days Talkers  
**Date:** Wednesday, April 19, 2017 9:33:22 PM

---

Will do, sir

---

**From:** ALLES, RANDOLPH D  
**Sent:** Wednesday, April 19, 2017 8:13 PM  
**To:** FRIEL, MICHAEL J (b)(6) (b)(7)(c) KOLBE, KATHRYN  
(b)(6) (b)(7)(c) CALVO, KARL H. (b)(6) (b)(7)(c)  
**Cc:** FLANAGAN, PATRICK S (b)(6) (b)(7)(c)  
(b)(6) (b)(7)(c)  
(b)(6) (b)(7)(c) LOWRY, KIM M (b)(6) (b)(7)(c)  
**Subject:** RE: First 100 Days Talkers

Ok, let's pull something together by 0800.

S/F

R. D. Alles, (b) (6), (b) (7)(C) (Cell)

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**From:** FRIEL, MICHAEL J  
**Sent:** Wednesday, April 19, 2017 7:58:33 PM  
**To:** ALLES, RANDOLPH D; KOLBE, KATHRYN; CALVO, KARL H.  
**Cc:** FLANAGAN, PATRICK S; (b) (6), (b) (7)(C) LOWRY, KIM M  
**Subject:** FW: First 100 Days Talkers

Deputy Commissioner, EAC Kolbe, AC Calvo,

FYSA, see the below from the WH through DHS OPA requesting TPs for basic milestones achieved so far and next steps with the wall that can be used for POTUS' first 100 day messaging.

They need these points by 9 am tomorrow.

Seeking Enterprise Services' assistance with these points to ensure they reflect the latest developments.

R/S

Mike

---

**From:** (b) (6)

**Sent:** Wednesday, April 19, 2017 7:45:22 PM

**To:** (b) (6)

**Cc:** FRIEL, MICHAEL J; (b) (6)

**Subject:** FW: First 100 Days Talkers

(b) (6) Can you assist with this one?

Customs and Border Protection is the lead for the wall construction. They can provide some details but now that it's in the procurement process, there are some limitations to what they can release. Copying Mike Friel at CBP to direct you to the right people there.

Kelly also sent this in a separate email -- any stat that indicates the breakneck speed of the procurement process of the Wall and/or internal dates of completion would be greatly appreciated. We want to show you guys are moving fast on this, as it's one of your top priorities. Thanks again!

Thanks,

(b) (6)

-----Original Message-----

From: Sadler, Kelly J. EOP/WHO (b) (7)(E)

Sent: Wednesday, April 19, 2017 5:19 PM

To: (b) (6)

Cc: Rateike, Bradley A. EOP/WHO (b) (6)

Subject: First 100 Days Talkers

Importance: High

(b) (6)

First, let me introduce myself. I'm Kelly Sadler, and I'm responsible for the White House's talking points for the First 100 Days. I've cc'd Brad, who gave me your contact information.

The President wants to emphasize progress on the wall. Do you know how many contractors have bid on it? Where are we in the contracting process? Does the list suggest widespread interest? What are the next steps, and what can you identify as concrete examples of progress being made? Any facts or statistics that can illustrate progress would be much appreciated.

If you could get me some talkers no later than 9am tomorrow AM that would be great. My deadline is tomorrow at noon and I want to have the most recent stats available. These will be talkers the President and Sec. Kelly will be using. Any past talkers you've given to Sec. Kelly, if you could also forward me, that would be great.

Best,

Kelly

Kelly Riddell Sadler

Special Assistant to the President

(b) (6)

(b) (5)



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**From:** MCALEENAN, KEVIN K (b)(6) (b)(7)(c)  
**Sent:** Monday, March 13, 2017 12:31 PM  
**To:** Navarro, Peter K. EOP/WHO (b) (6)  
**Cc:** Nielsen, Kirstjen (b) (6)  
**Subject:** Quick update - Buy American issue for Wall

Director Navarro,

(b) (5)

KM



**Kevin K. McAleenan**  
Acting Commissioner  
U.S. Customs and Border Protection

(b) (6), (b) (7)(C)

*We are the guardians of our Nation's borders. We  
are America's frontline.*

*Vigilance • Service • Integrity*

**From:** [KOLBE, KATHRYN](#)  
**To:** [ALLES, RANDOLPH D](#)  
**Cc:** [LOWRY, KIM M](#); [FLANAGAN, PATRICK S](#)  
**Subject:** FW: First 100 Days Talkers  
**Date:** Thursday, April 20, 2017 8:44:39 AM  
**Attachments:** (b) (5)

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Sir, Draft POTUS Talking Points are attached. VR, KK

Kathryn L. Kolbe  
Executive Assistant Commissioner  
Enterprise Services  
U.S. Customs and Border Protection  
(b) (6), (b) (7)(C)

---

**From:** (b)(6);(b)(7)(C)  
**Sent:** Thursday, April 20, 2017 8:17 AM  
**To:** KOLBE, KATHRYN (b)(6) (b)(7)(c)  
(b)(6) (b)(7)(c)  
**Cc:** CALVO, KARL H. (b)(6) (b)(7)(c)  
(b)(6) (b)(7)(c)  
**Subject:** RE: First 100 Days Talkers

Attached please find the requested TPs. Input from OA has been incorporated. (b)(6);(b)(7) has cleared.  
Standing by for feedback.

(b)(6);(b)(7)(C)

---

**From:** KOLBE, KATHRYN  
**Sent:** Thursday, April 20, 2017 6:55 AM  
**To:** (b)(6) (b)(7)(c)  
**Cc:** (b)(6) (b)(7)(c)  
**Subject:** RE: First 100 Days Talkers

(b)(6);(b)(7)(C) What time should I expect to see a draft?

Kathryn L. Kolbe  
Executive Assistant Commissioner  
Enterprise Services  
U.S. Customs and Border Protection  
Office (b)(6);(b)(7)(C)

(b) (6), (b) (7)(C)

---

**From:** (b) (6), (b) (7)(C)

**Sent:** Wednesday, April 19, 2017 10:24 PM

**To:** KOLBE, KATHRYN (b)(6) (b)(7)(c)

(b)(6) (b)(7)(c)

**Cc:** CALVO, KARL H. (b)(6) (b)(7)(c)

**Subject:** RE: First 100 Days Talkers

Kathryn,

We are on it, needs input from OA, Karl saw it and forwarded to them, (b) (6), (b) (7) acknowledged, will push first thing in AM.

(b) (6), (b) (7)(C)

---

**From:** KOLBE, KATHRYN

**Sent:** Wednesday, April 19, 2017 10:02:48 PM

**To:** (b) (6), (b) (7)(C)

**Subject:** FW: First 100 Days Talkers

(b) (6), (b) (7)(C)

Just realized that Karl will be out tomorrow on leave & I'm unsure if he received the below note.

Please send me your proposed talking points for POTUS before 8am to review & forward to C2.

Thanks...VR, KK

Kathryn L. Kolbe  
Executive Assistant Commissioner  
Enterprise Services  
U.S. Customs and Border Protection

(b) (6), (b) (7)(C)

---

**From:** KOLBE, KATHRYN

**Sent:** Wednesday, April 19, 2017 9:39 PM

**To:** CALVO, KARL H. (b)(6) (b)(7)(c)

**Cc:** (b)(6) (b)(7)(c)

**Subject:** RE: First 100 Days Talkers

Karl, Please send these to me before 8am to review & I'll forward. Thank you...VR, KK

Kathryn L. Kolbe  
Executive Assistant Commissioner  
Enterprise Services  
U.S. Customs and Border Protection  
(b) (6), (b) (7)(C)

---

**From:** CALVO, KARL H.

**Sent:** Wednesday, April 19, 2017 8:05 PM

**To:** FRIEL, MICHAEL J (b)(6) (b)(7)(c) ALLES, RANDOLPH D  
(b)(6) (b)(7)(c) KOLBE, KATHRYN (b)(6) (b)(7)(c)

**Cc:** FLANAGAN, PATRICK S (b)(6) (b)(7)(c)  
(b)(6) (b)(7)(c)

(b)(6) (b)(7)(c) LOWRY, KIM M (b)(6) (b)(7)(c)

BORKOWSKI, MARK S (b)(6) (b)(7)(c)

(b)(6) (b)(7)(c)

(b)(6) (b)(7)(c)

**Subject:** RE: First 100 Days Talkers

All,  
OFAM will provide talking points on overall progress. I've looped in Mark and (b) (6), (b) (7)(C) to provide messaging on the procurement process referenced below as there would be procurement sensitive info we need to be careful in how it's shared.

Mark (b) (6), (b) (7)(C) Pls send your input to (b) (6), (b) (7)(C) to consolidate. Thx.

V/r Karl

---

**From:** FRIEL, MICHAEL J

**Sent:** Wednesday, April 19, 2017 7:58:33 PM

**To:** ALLES, RANDOLPH D; KOLBE, KATHRYN; CALVO, KARL H.

**Cc:** FLANAGAN, PATRICK S; (b) (6), (b) (7)(C) LOWRY, KIM M

**Subject:** FW: First 100 Days Talkers

Deputy Commissioner, EAC Kolbe, AC Calvo,

FYSA, see the below from the WH through DHS OPA requesting TPs for basic milestones achieved so far and next steps with the wall that can be used for POTUS' first 100 day messaging.

They need these points by 9 am tomorrow.

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R/S

(b) (5)

(b) (5)

(b) (5)

(b) (5)



(b) (5)

(b) (5)

(b) (5)

(b) (5)

**From:** (b) (6), (b) (7)(C)  
**To:** CALVO, KARL H.; (b) (6), (b) (7)(C)  
**Cc:** (b) (6), (b) (7)(C)  
**Subject:** RE: First 100 Days Talkers  
**Date:** Wednesday, April 19, 2017 9:26:40 PM

(b) (5)

---

**From:** CALVO, KARL H.  
**Sent:** Thursday, April 20, 2017 1:15:07 AM  
**To:** (b) (6), (b) (7)(C)  
**Subject:** FW: First 100 Days Talkers

An update on the suspense time.

---

**From:** ALLES, RANDOLPH D  
**Sent:** Wednesday, April 19, 2017 8:13:21 PM  
**To:** FRIEL, MICHAEL J; KOLBE, KATHRYN; CALVO, KARL H.  
**Cc:** FLANAGAN, PATRICK S; (b) (6), (b) (7)(C); LOWRY, KIM  
M  
**Subject:** RE: First 100 Days Talkers

Ok, let's pull something together by 0800.

S/F  
R. D. Alles, (b) (6), (b) (7)(C)

---

**From:** FRIEL, MICHAEL J  
**Sent:** Wednesday, April 19, 2017 7:58:33 PM  
**To:** ALLES, RANDOLPH D; KOLBE, KATHRYN; CALVO, KARL H.  
**Cc:** FLANAGAN, PATRICK S; (b) (6), (b) (7)(C); LOWRY, KIM  
M  
**Subject:** FW: First 100 Days Talkers

Deputy Commissioner, EAC Kolbe, AC Calvo,

FYSA, see the below from the WH through DHS OPA requesting TPs for basic milestones achieved so far and next steps with the wall that can be used for POTUS' first 100 day messaging.

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R/S

Mike

---

**From:** (b) (6)  
**Sent:** Wednesday, April 19, 2017 7:45:22 PM  
**To:** (b) (6)  
**Cc:** FRIEL, MICHAEL J; (b) (6)  
**Subject:** FW: First 100 Days Talkers

(b) (6) Can you assist with this one?

Customs and Border Protection is the lead for the wall construction. They can provide some details but now that it's in the procurement process, there are some limitations to what they can release. Copying Mike Friel at CBP to direct you to the right people there.

Kelly also sent this in a separate email -- any stat that indicates the breakneck speed of the procurement process of the Wall and/or internal dates of completion would be greatly appreciated. We want to show you guys are moving fast on this, as it's one of your top priorities. Thanks again!

Thanks,

(b) (6)

-----Original Message-----

**From:** Sadler, Kelly J. EOP/WHO (b) (6)  
**Sent:** Wednesday, April 19, 2017 5:19 PM  
**To:** (b) (6)  
**Cc:** Rateike, Bradley A. EOP/WHO (b) (6)  
**Subject:** First 100 Days Talkers  
**Importance:** High

(b) (6)

First, let me introduce myself. I'm Kelly Sadler, and I'm responsible for the White House's talking points for the First 100 Days. I've cc'd Brad, who gave me your contact information.

The President wants to emphasize progress on the wall. Do you know how many contractors have bid on it? Where are we in the contracting process? Does the list suggest widespread interest? What are the next steps, and what can you identify as concrete examples of progress being made? Any facts or statistics that can illustrate progress would be much appreciated.

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Best,  
Kelly

**From:** [ALLES, RANDOLPH D](#)  
**To:** [FRIEL, MICHAEL J](#)  
**Subject:** FW: First 100 Days Talkers  
**Date:** Thursday, April 20, 2017 1:28:16 PM  
**Attachments:** [100 Days TPs v2 nkc\\_revKK.docx](#)

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(b) (5)

V/R

R. D. "Tex" Alles, (b) (6), (b) (7)(C)

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**From:** (b) (6), (b) (7)(C)  
**Sent:** Thursday, 20 April, 2017 11:49  
**To:** ALLES, RANDOLPH D (b) (6) (b) (7)(c)  
**Subject:** FW: First 100 Days Talkers

On behalf of EAC Kolbe here are the revised talking points for POTUS.

Thanks.

(b) (6), (b) (7)(C)

---

**From:** (b) (6), (b) (7)(C)  
**Sent:** Thursday, April 20, 2017 11:42 AM  
**To:** KOLBE, KATHRYN (b) (6) (b) (7)(c)  
**Cc:** CALVO, KARL H. (b) (6) (b) (7)(c)  
(b) (6) (b) (7)(c)  
(b) (6) (b) (7)(c)  
**Subject:** RE: First 100 Days Talkers

EAC Kolbe – Based on the conversation we had with C2, attached please find the much more abbreviated talking points. Naco is in here, referenced in the last bullet. Same PW as the last set.

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

---

**From:** (b) (6), (b) (7)(C)  
**Sent:** Thursday, April 20, 2017 8:17 AM  
**To:** KOLBE, KATHRYN (b) (6) (b) (7)(c)  
(b) (6) (b) (7)(c)  
**Cc:** CALVO, KARL H. (b) (6) (b) (7)(c)  
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**Subject:** RE: First 100 Days Talkers

Attached please find the requested TPs. Input from OA has been incorporated (b) (6), (b) (7) has cleared.  
Standing by for feedback.

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

---

**From:** KOLBE, KATHRYN

**Sent:** Thursday, April 20, 2017 6:55 AM

**To:** (b)(6) (b)(7)(c)

**Cc:** (b)(6) (b)(7)(c)

**Subject:** RE: First 100 Days Talkers

(b) (6),  
(b) (7)(C) What time should I expect to see a draft?

Kathryn L. Kolbe  
Executive Assistant Commissioner  
Enterprise Services  
U.S. Customs and Border Protection

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

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**From:** (b) (6), (b) (7)(C)

**Sent:** Wednesday, April 19, 2017 10:24 PM

**To:** KOLBE, KATHRYN (b)(6) (b)(7)(c)

(b)(6) (b)(7)(c)

**Cc:** CALVO, KARL H. (b)(6) (b)(7)(c)

**Subject:** RE: First 100 Days Talkers

Kathryn,  
We are on it, needs input from OA, Karl saw it and forwarded to them. (b) (6), (b) (7)(C) acknowledged, will push first thing in AM.

(b) (6), (b)  
(7)(C)

---

**From:** KOLBE, KATHRYN

**Sent:** Wednesday, April 19, 2017 10:02:48 PM

**To:** (b) (6), (b) (7)(C)

**Subject:** FW: First 100 Days Talkers

(b) (6), (b) (7)(C)

Just realized that Karl will be out tomorrow on leave & I'm unsure if he received the below note.

Please send me your proposed talking points for POTUS before 8am to review & forward to C2.

Thanks...VR, KK



Kathryn L. Kolbe  
Executive Assistant Commissioner  
Enterprise Services  
U.S. Customs and Border Protection

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

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**From:** KOLBE, KATHRYN

**Sent:** Wednesday, April 19, 2017 9:39 PM

**To:** CALVO, KARL H (b)(6) (b)(7)(c)

**Cc:** (b)(6) (b)(7)(c)

**Subject:** RE: First 100 Days Talkers

Karl, Please send these to me before 8am to review & I'll forward. Thank you...VR,  
KK

Kathryn L. Kolbe  
Executive Assistant Commissioner  
Enterprise Services  
U.S. Customs and Border Protection

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

---

**From:** CALVO, KARL H.

**Sent:** Wednesday, April 19, 2017 8:05 PM

**To:** FRIEL, MICHAEL J (b)(6) (b)(7)(c) ALLES, RANDOLPH D

(b)(6) (b)(7)(c) KOLBE, KATHRYN (b)(6) (b)(7)(c)

**Cc:** FLANAGAN, PATRICK S (b)(6) (b)(7)(c)

(b)(6) (b)(7)(c)

(b)(6) (b)(7)(c) LOWRY, KIM M (b)(6) (b)(7)(c)

BORKOWSKI, MARK S (b)(6) (b)(7)(c)

(b)(6) (b)(7)(c)

(b)(6) (b)(7)(c)

**Subject:** RE: First 100 Days Talkers

All,  
OFAM will provide talking points on overall progress. I've looped in Mark and (b) (6), (b) (7)(C) to provide messaging on the procurement process referenced below as there would procurement sensitive info we need to be careful in how it's shared.

Mark/(b) (6), (b) (7)(C) Pls send your input to (b) (6), (b) (7)(C) to consolidate. Thx.

- U.S. Customs and Border Protection (CBP) has developed a strategy to plan, design, and construct border barrier in the areas most critical to the U.S. Border Patrol's operations.
- To quickly execute this strategy, CBP has initiated three parallel efforts:
  - **Prototyping:** CBP is partnering with industry to design and construct wall prototypes in San Diego by August. These new designs will be applied to follow-on construction efforts. The prototype procurement is the top priority for CBP and a dedicated team is working around the clock to evaluate received concept papers, which is the first stage of the procurement action.
  - **Planning for FY 2017 Construction:** CBP is planning to execute construction priorities in the U.S. Border Patrol's highest priority area of operation – (b) (7)(E) [REDACTED] have been identified as priority for FY 2017. These activities include survey, design, real estate and environmental planning, and title searches. The first construction segment is expected to award (pending availability of funds) (b) (5) [REDACTED] with construction beginning in (b) (5) [REDACTED] (b) (5).
  - **Replacing Fence in (b) (7)(E), Arizona:** CBP is already constructing replacement border barrier in (b) (7)(E), Arizona. This construction, which began in December 2017, replaces approximately (b) (7)(E) of sub-standard, legacy landing mat fence. These (b) (7)(E), which include (b) (7)(E) [REDACTED] will enhance USBP operational capability in this critical area.

**From:** BORKOWSKI, MARK S  
**To:** CALVO, KARL H.; (b) (6), (b) (7)(C)  
**Subject:** FW: Request for Emergency Meeting in Staff Sec's office tomorrow at 10 a.m. or 11 a.m. to resolve border wall issue  
**Date:** Tuesday, August 22, 2017 1:59:20 PM  
**Attachments:** (b) (5)  
[mcaleenan UPDATE.pdf](#)

---

Looks like a White House meeting tomorrow to discuss the BAA rescission issue.

---

**From:** SMITH, BRENDA BROCKMAN  
**Sent:** Tuesday, August 22, 2017 1:40 PM  
**To:** Peter.K.Navarro (b) (6)  
**Cc:** (b) (6) (b) (7)(c); KOLBE, KATHRYN  
(b) (6) (b) (7)(c); BORKOWSKI, MARK S (b) (6) (b) (7)(c)  
**Subject:** FW: Request for Emergency Meeting in Staff Sec's office tomorrow at 10 a.m. or 11 a.m. to resolve border wall issue

Peter – we would like to join tomorrow's meeting on CBP's behalf. Could someone send us a WAVES link?

Thanks, Brenda

Brenda B. Smith  
Executive Assistant Commissioner  
Office of Trade  
US Customs and Border Protection  
1400 L St., NW 12th floor  
Washington, DC 20229

Email: (b) (6) (b) (7)(c)  
Phone: (b) (6), (b) (7)(C)

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**From:** (b) (6), (b) (7)(C)  
**Sent:** Tuesday, August 22, 2017 1:36 PM  
**To:** SMITH, BRENDA BROCKMAN (b) (6) (b) (7)(c); KOLBE, KATHRYN  
(b) (6) (b) (7)(c)  
**Subject:** FW: Request for Emergency Meeting in Staff Sec's office tomorrow at 10 a.m. or 11 a.m. to resolve border wall issue

In case you have not seen this email from Peter Navarro. F

(b) (6), (b) (7)(C)  
Associate Chief Counsel - Trade and Finance  
Office of the Chief Counsel  
U.S. Customs and Border Protection

(b) (6), (b) (7)(C)

ATTORNEY-CLIENT PRIVILEGED/ATTORNEY WORK PRODUCT

This communication might contain communications between attorney and client, communications that are part of the agency deliberative process, or attorney-work product, all of which are privileged and not subject to disclosure outside the agency or to the public. Please consult with the Office of Chief Counsel, U.S. Customs and Border Protection before disclosing any information contained in this email.

---

**From:** Navarro, Peter K. EOP/WHO (b) (6)  
**Sent:** Tuesday, August 22, 2017 12:14 PM  
**To:** Staff Secretary <[staffsecretary@who.eop.gov](mailto:staffsecretary@who.eop.gov)>; Lyons, Derek S. EOP/WHO (b) (6)  
(b) (6) Porter, Robert R. EOP/WHO (b) (6)  
**Cc:** Lighthizer, Robert E. EOP/USTR (b) (6) MCALEENAN, KEVIN K (b) (6), (b) (7)(C)  
(b) (6) Bremberg, Andrew P. EOP/WHO  
(b) (6) Miller, Stephen EOP/WHO (b) (6)  
(b) (6)  
(b)(6) (b)(7)(c)  
(b)(6) (b)(7)(c) Hamilton, Gene (b) (6) Morrell,  
David M. EOP/WHO (b) (6)  
**Subject:** Request for Emergency Meeting in Staff Sec's office tomorrow at 10 a.m. or 11 a.m. to resolve border wall issue

Derek,

I spoke with Rob about this and am attaching documents that relate to a deadline for inclusion of Buy American provision in border wall bids.

My office has been working a number of months now on this but we are at an impasse and a decision needs to be made forthwith.

I am requesting an emergency meeting tomorrow morning at StaffSec's office at 10 a.m. or 11 a.m. with representatives from CBP, USTR, DPC, OTMP, and WHLC.

Thanks for your consideration.

Peter Navarro

Attachments  
Information Memo  
Various documents from CBP

(b) (5)



(b) (5)

(b) (5)

(b) (5)



**From:** [MCALEENAN, KEVIN K](#)  
**To:** [Navarro, Peter K. EOP/WHO](#)  
**Subject:** RE: Trade Enforcement update  
**Date:** Tuesday, August 22, 2017 10:35:04 AM

---

As you requested, here are some highlights about the importance of a quick decision on the waiver

- Construction of the Border Wall is a Presidential priority and time is of the essence
- To the maximum extent, we want walls to be constructed with American materials (concrete and steel)
- We are issuing request sfor bids for the next segments of wall construction on or about August 31

(b) (5)

For your information, I have pasted a more detailed narrative from (b) (5), (b) (7)(C) as additional detail and background:

Current status: The U.S. Trade Representative (USTR) has yet to act to reinstate the Buy American Act (BAA) for Government construction projects, such as the border wall, that exceed \$7.3 million in value. As such, the Trade Agreements Act (TAA) currently governs any Government procurement for construction services valued above that threshold.

CBP, through its partners at USACE, is nearly ready to issue Requests for Proposals (RFP) for the four FY17 fence replacement projects, each of which is likely to exceed \$7.3 million in value. (b) (5)

(b) (5)

Decision request: (b) (5)

(b) (5)

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**From:** Navarro, Peter K. EOP/WHO  
**Sent:** Tuesday, August 22, 2017 10:28:56 AM  
**To:** MCALEENAN, KEVIN K  
**Subject:** RE: Trade Enforcement update

Would love updated bullets. Will push this issue aggressively this week?

Was this issue ever brought to General Kelly's attention? Is he read in?

peter

---

**From:** MCALEENAN, KEVIN K [mailto:(b) (6), (b) (7)(C)]  
**Sent:** Tuesday, August 22, 2017 10:24 AM  
**To:** Navarro, Peter K. EOP/WHO (b) (6)  
**Subject:** RE: Trade Enforcement update

Thanks Peter. (b) (5)  
We appreciate your ongoing support on that. Let me know if you need update bullets on where we stand.

---

**From:** Navarro, Peter K. EOP/WHO  
**Sent:** Tuesday, August 22, 2017 8:39:34 AM  
**To:** (b) (6)  
**Cc:** MCALEENAN, KEVIN K  
**Subject:** FW: Trade Enforcement update

USTR team,

See yellow below. Kevin and CBP have been great allies.

Peter

---

**From:** MCALEENAN, KEVIN K [mailto: (b) (6), (b) (7)(C)]  
**Sent:** Friday, August 18, 2017 4:17 PM  
**To:** Navarro, Peter K. EOP/WHO < (b) (6)>  
**Cc:** SMITH, BRENDA BROCKMAN (b) (6), (b) (7)(C)  
**Subject:** Trade Enforcement update

Peter,

I want to take this opportunity to update you on the recent efforts undertaken by U.S. Customs and Border Protection (CBP) with respect to the application of the Trade Facilitation and Trade Enforcement Act of 2015 (TFTEA), specifically, the Enforce and Protect Act (EAPA) and the President's Executive Order on Trade Enforcement. EAPA outlined a process for the American industry to identify potential instances where goods have been imported into the United States through evasion of antidumping and countervailing duty orders. Working together with American industry on our initial cases has produced immediate results.

Specifically, the Thailand and Malaysian wire hanger investigations outlined in our recent press release, which you can access via the included link below, highlight how CBP is partnering with the sole American wire hanger manufacturer to protect American jobs from this transshipment evasion. Bloomberg and others have already picked up the good news.

This is not the only group of investigations we have underway, but it represents the first completed investigation and has led to the American manufacturer filing eight more allegations of transshipment evasion that we are investigating and have enacted interim measures upon. This partnership prevents the further evasion of over \$33 million in antidumping duties and will allow the American company to reinvest its resources to expand production in the United States.

I would like to highlight that it has been critical to our initial success to be able to (b) (7)(E) production or in these recent cases, lack of production capability. That said, TFTEA legislation was an authorization without explicit appropriation, unless the trade enforcement trust funds are considered available, and as a result, in order to continue such enforcement efforts, CBP continues to look for solutions to grow our investigative capability. (b) (7)(E), (b) (5)

Thank you for your continued interest and support on this very important issue.

Thank you,

Kevin

>>><https://www.cbp.gov/newsroom/national-media-release/us-customs-and-border-protection-exercises-authority-launches><<<;



**From:** (b) (6), (b) (7)(C)  
**To:** [Ladowicz, Pete](#)  
**Cc:** [LOWRY, KIM M](#)  
**Subject:** RE: Appropriations Committee Releases FY18 Homeland Security Bill  
**Date:** Tuesday, July 11, 2017 8:10:28 PM

---

Thanks for sharing. Because the mark is consistent with the president's budget on wall and agents I wouldn't expect their questions or our answers to shift significantly. However, making news over the next few days could certainly bring this issue to the forefront. Happy to prep any additional Q&As tomorrow based on the budget messaging we've done to date. Just let me know what you need.

---

**From:** Ladowicz, Pete  
**Sent:** Tuesday, July 11, 2017 7:19 PM  
**To:** (b)(6) (b)(7)(c)  
**Cc:** LOWRY, KIM M (b)(6) (b)(7)(c)  
**Subject:** FW: Appropriations Committee Releases FY18 Homeland Security Bill

(b) (6), (b) (7)(C)

FYSA. Also, there's already an article in Politico about the wall funding potentially leading to a shutdown. Am guessing any questions on Thursday from Dems will be along the lines of the comments from (b) (6) that DHS personnel really want border tech and not a wall.

Let's chat in the morning about some potential budget Q&A for C1.

Thanks  
Pete

---

**From:** (b) (6)  
**Sent:** Tuesday, July 11, 2017 6:49:06 PM  
**To:** (b) (6) Ladowicz, Pete; (b) (6)  
**Subject:** FW: Appropriations Committee Releases FY18 Homeland Security Bill

Imagine you guys already have?

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**From:** (b) (6)  
**Sent:** Tuesday, July 11, 2017 6:17 PM  
**To:** (b) (6) Nielsen, Kirstjen (b) (6)  
(b) (6)  
**Cc:** (b) (6)  
**Subject:** FW: Appropriations Committee Releases FY18 Homeland Security Bill

WH wants tweet language on the approps bill. A good sign.

**From:** Ditto, Jessica E. EOP/WHO (b) (6)  
**Sent:** Tuesday, July 11, 2017 5:44 PM  
**To:** (b) (6) Short, Michael C. EOP/WHO  
(b) (6) Rinat, Ory S. EOP/WHO (b) (6) Barger, Lara  
R. EOP/WHO (b) (6) Karnes, Kate L. EOP/WHO  
(b)(6) (b)(7)(c)  
**Subject:** FW: Appropriations Committee Releases FY18 Homeland Security Bill

Can we get some wording for a POTUS tweet? Do you recommend a press sec statement as well?

---

**From:** (b) (6)  
**Sent:** Tuesday, July 11, 2017 5:05 PM  
**To:** Short, Marc T. EOP/WHO (b) (6) DL-WHO-OLA <[DL-WHO-OLA@who.eop.gov](mailto:DL-WHO-OLA@who.eop.gov)>  
**Cc:** (b) (6)  
**Subject:** FW: Appropriations Committee Releases FY18 Homeland Security Bill

With wall funding.

<b>NEWS</b>
<b><i>House Appropriations Committee</i></b>
<b><i>Chairman Rodney Frelinghuysen</i></b>
<b>Website address:</b> > <a href="http://appropriations.house.gov/">http://appropriations.house.gov/</a> <

For Immediate Release: July 11, 2017

Contact: (b) (6)

**Appropriations Committee Releases Fiscal Year 2018 Homeland Security**  
**Bill**  
***Bill targets funds to security operations, border and immigration***  
***enforcement***

WASHINGTON, D.C. – The House Appropriations Committee today released its proposed fiscal year 2018 Department of Homeland Security (DHS) Appropriations bill, which will be considered tomorrow by the subcommittee. The bill targets critical programs such as aviation security, border and immigration enforcement, customs activities, protection against cyberterrorism, natural disaster response, and efforts to stop the smuggling of drugs and people into the U.S. The legislation also includes \$1.6 billion for physical barrier construction along the U.S. southern border.

In total, the legislation directs \$44.3 billion in discretionary funding for DHS, an increase of \$1.9 billion above the fiscal year 2017 enacted level. In addition, the bill includes \$6.8 billion – the same as the President’s request – for disaster relief and emergency response activities through the Federal Emergency Management Agency (FEMA).

“The Committee takes its role in safeguarding our homeland and protecting our citizens seriously. Globalization, cyber-security, and terrorism are changing our way of life and we need to change with it. This bill fully supports our men and women on the frontline lines who work tirelessly to keep us safe. The bill also provides the necessary funding for critical technology and physical barriers to secure our borders. It is a balanced approach that enhances our capabilities and preparedness,” Appropriations Committee Chairman Rodney Frelinghuysen said.

Homeland Security Subcommittee Chairman John Carter also commented on the bill:

“Keeping Americans safe by protecting our homeland is a top priority. This funding bill provides the resources to begin building a wall along our southern border, enhance our existing border security infrastructure, hire more border patrol agents, and fund detention operations” Chairman Carter said. “Additionally, this bill will increase funding for Immigration and Customs Enforcement, support grants in cases of emergency and natural disaster, and provide critical resources to protect our cyber networks.”

## **Bill Highlights:**

### **Securing our Borders and Enforcing our Laws:**

- **Customs and Border Protection (CBP)** – The bill contains \$13.8 billion in discretionary appropriations for CBP – an increase of \$1.6 billion above the fiscal year 2017 enacted level. These resources ensure our borders are protected by putting boots on the ground, improving infrastructure and technology, and helping to stem the flow of illegal goods both into and out of the country. Within this total, the legislation includes:
  - \$1.6 billion for physical barrier construction along the Southern border – including bollards and levee improvements – meeting the full White House request;
  - \$100 million to hire 500 new **Border Patrol** agents;
  - \$131 million for new **border technology**;
  - \$106 million for new **aircraft and sensors**; and
  - \$109 million for new, non-intrusive **inspection equipment**.
- **Immigration and Customs Enforcement (ICE)** – The bill provides \$7 billion for ICE – \$619.7 million above the fiscal year 2017 enacted level. Within this total, the legislation includes:
  - \$185.6 million to hire 1,000 additional **law enforcement officers** and 606 support staff;
  - \$2 billion – an increase of \$30 million above the requested level – for domestic and international **investigations programs**, including efforts to

combat human trafficking, child exploitation, cybercrime, visa screening, and drug smuggling;

- \$4.4 billion for **detention and removal** programs, including:
  - 44,000 detention beds, an increase 4,676 beds over fiscal year 2017;
  - 129 Fugitive Operations teams; and
  - Criminal Alien Program operations, including the addition of 26 new communities to the 287(g) program, which partners with local law enforcement to process, arrest, and book illegal immigrants into state or local detention facilities.
- **Coast Guard** – The bill contains \$10.5 billion for the U.S. Coast Guard – an increase of \$31.7 million above the fiscal year 2017 enacted level. The bill provides for a 2.1 percent military pay increase, and targets resources to improve readiness. Specifically, the bill includes:
  - \$7.2 billion for **operations and training**, military personnel costs, aviation and cutter hours, and maintenance of assets required to sustain readiness and response capabilities; and
  - \$1.3 billion – \$95 million above the request – for modernization and recapitalization of **vessels, aircraft, and facilities**. This includes funding for the Polar Icebreaking Vessel program, the acquisition of an Offshore Patrol Cutter, an HC130-J aircraft, four Fast Response Cutters, and facility improvements at multiple locations throughout the United States.

**Transportation Security Administration (TSA)** – The bill includes \$7.2 billion for TSA – a decrease of \$159.8 million below the fiscal year 2017 enacted level. This includes full funding (\$3.2 billion) for Transportation Security Officers, privatized screening operations, and passenger and baggage screening equipment, in order to speed processing and wait times for travelers and cargo. This also includes \$151.8 million to hire, train, and deploy 1,047 canine teams to further expedite processing time.

**Cybersecurity and Protection of Communications** – To combat increasingly dangerous and numerous cyber-attacks, the bill includes a total of \$1.8 billion for the National Protection and Programs Directorate to enhance critical infrastructure and prevent hacking.

Within this amount, \$1.37 billion is provided to help secure civilian (.gov) networks, detect and prevent cyber-attacks and foreign espionage, and enhance and modernize emergency communications. Funds are also included to enhance emergency communications capabilities and to continue the modernization of the Biometric Identification System.

**Secret Service** – The bill provides \$2 billion for the U.S. Secret Service – a decrease of \$101 million below the fiscal year 2017 enacted level due to the completion of the 2016 campaign cycle. This funding level includes investments in investigations and cybersecurity, and continue funding for the National Center for Missing and Exploited Children.

**Federal Emergency Management Agency (FEMA)** – To respond to both natural and man-made disasters, the bill funds FEMA’s disaster relief account (DRF) at \$7.3 billion.

The legislation also includes \$2.7 billion for FEMA grant programs. This includes:

- \$467 million for the State Homeland Security Grant Program;

- \$630 million for the Urban Area Security Initiative, including an increase of \$25 million for the Nonprofit Security Grant Program;
- \$690 million for firefighter assistance grants; and
- \$350 million for Emergency Management Performance Grants.

**Citizenship and Immigration Services (CIS)** – The legislation does not fund most CIS activities, as these are funded outside the appropriations process through the collection of fees. However, the bill does contain \$131 million for E-Verify, which is funded within CIS and helps companies ensure their employees may legally work in the United States.

**Other Provisions** – The bill includes several provisions to save taxpayer dollars and increase accountability at DHS. The legislation:

- Does NOT include an increase TSA passenger fees;
- Does NOT include a redirection of Brand USA Travel Promotion fees; and
- Requires extensive reporting, including spending plans and benchmarks, to ensure funds are being spent appropriately and as intended.

**For the complete text of the FY 2018 Subcommittee Draft Homeland Security Appropriations bill, please visit:**

<http://docs.house.gov/meetings/AP/AP15/20170712/106241/BILLS-115HR-SC-AP-FY2018-HSecurity-FY2018HomelandSecurityAppropriationsBill-SubcommitteeDraft.pdf>

#####



**From:** [CALVO, KARL H.](#)  
**To:** (b) (6), (b) (7)(C)  
**Subject:** RE: First 100 Days Talkers  
**Date:** Thursday, April 20, 2017 8:01:59 AM

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10-4

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**From:** (b) (6), (b) (7)(C)  
**Sent:** Thursday, April 20, 2017 8:01:15 AM  
**To:** CALVO, KARL H.; (b) (6), (b) (7)(C)  
**Subject:** RE: First 100 Days Talkers

It's coming. I need another 10 minutes.

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

---

**From:** CALVO, KARL H.  
**Sent:** Thursday, April 20, 2017 8:00 AM  
**To:** (b) (6), (b) (7)(C)  
(b) (6), (b) (7)(C)  
**Subject:** RE: First 100 Days Talkers

How's this coming along?

---

**From:** CALVO, KARL H.  
**Sent:** Thursday, April 20, 2017 7:08:49 AM  
**To:** (b) (6), (b) (7)(C)  
**Subject:** FW: First 100 Days Talkers

Here's what (b) (6), (b) (7)(C) forwarded.

---

**From:** (b) (6), (b) (7)(C)  
**Sent:** Wednesday, April 19, 2017 9:47:28 PM  
**To:** CALVO, KARL H.  
**Subject:** RE: First 100 Days Talkers

Ok thanks

---

**From:** CALVO, KARL H.  
**Sent:** Thursday, April 20, 2017 2:30:40 AM  
**To:** (b) (6), (b) (7)(C)  
**Cc:** (b) (6), (b) (7)(C)  
**Subject:** RE: First 100 Days Talkers

Looks good to me.

**From:** (b) (6), (b) (7)(C)  
**Sent:** Wednesday, April 19, 2017 9:26:39 PM  
**To:** CALVO, KARL H.; (b) (6), (b) (7)(C)  
**Cc:** (b) (6), (b) (7)(C)  
**Subject:** RE: First 100 Days Talkers

(b) (5)

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**From:** CALVO, KARL H.  
**Sent:** Thursday, April 20, 2017 1:15:07 AM  
**To:** (b) (6), (b) (7)(C)  
**Subject:** FW: First 100 Days Talkers

An update on the suspense time.

---

**From:** ALLES, RANDOLPH D  
**Sent:** Wednesday, April 19, 2017 8:13:21 PM  
**To:** FRIEL, MICHAEL J; KOLBE, KATHRYN; CALVO, KARL H.  
**Cc:** FLANAGAN, PATRICK S; (b) (6), (b) (7)(C) LOWRY, KIM  
M  
**Subject:** RE: First 100 Days Talkers

Ok, let's pull something together by 0800.

S/F  
R. D. Alles, (b) (6), (b) (7)(C)

---

**From:** FRIEL, MICHAEL J  
**Sent:** Wednesday, April 19, 2017 7:58:33 PM  
**To:** ALLES, RANDOLPH D; KOLBE, KATHRYN; CALVO, KARL H.  
**Cc:** FLANAGAN, PATRICK S; (b) (6), (b) (7)(C) LOWRY, KIM  
M  
**Subject:** FW: First 100 Days Talkers

Deputy Commissioner, EAC Kolbe, AC Calvo,

FYSA, see the below from the WH through DHS OPA requesting TPs for basic milestones achieved so far and next steps with the wall that can be used for POTUS' first 100 day messaging.

They need these points by 9 am tomorrow.

**From:** [KOLBE, KATHRYN](#)  
**To:** [MCALEENAN, KEVIN K](#); [FRIEL, MICHAEL J](#)  
**Cc:** [VITIELLO, RONALD D \(USBP\)](#); [FLANAGAN, PATRICK S](#); (b) (6), (b) (7)(C) [CALVO, KARL H.](#);  
[BORKOWSKI, MARK S](#)  
**Subject:** FW: Press Inquiry re: POTUS Evaluation of Border Wall Prototypes  
**Date:** Monday, September 25, 2017 2:20:53 PM

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Commissioner, Good idea, have added your remarks – Michael, OTY FYA

---

**From:** MCALEENAN, KEVIN K  
**Sent:** Monday, September 25, 2017 12:28 PM  
**To:** KOLBE, KATHRYN (b)(6) (b)(7)(c) VITIELLO, RONALD D (USBP)  
(b)(6) (b)(7)(c)  
**Cc:** FRIEL, MICHAEL J (b)(6) (b)(7)(c)  
(b)(6) (b)(7)(c)  
BORKOWSKI, MARK S (b)(6) (b)(7)(c)  
(b)(6) (b)(7)(c)  
**Subject:** RE: Press Inquiry re: POTUS Evaluation of Border Wall Prototypes

Thank you. (b) (5)

(b)(6) (b)(7)(c)

(b)(6) (b)(7)(c)

---

**From:** KOLBE, KATHRYN  
**Sent:** Monday, September 25, 2017 12:16 PM  
**To:** MCALEENAN, KEVIN K (b)(6) (b)(7)(c) VITIELLO, RONALD D (USBP)  
(b)(6) (b)(7)(c)  
**Cc:** FRIEL, MICHAEL J (b)(6) (b)(7)(c)  
(b)(6) (b)(7)(c)  
BORKOWSKI, MARK S (b)(6) (b)(7)(c)  
**Subject:** Press Inquiry re: POTUS Evaluation of Border Wall Prototypes

C1/C2,

The DHS press office forwarded this press inquiry to us this morning.

*2. The president said that he will soon take a look at the prototypes and then personally select the best design.*

*"We are looking at four different samples built by four great companies, four different concepts. They're just about completed," Trump said. "I'm going to go out and look at them personally and pick the right one."*

*Can you explain what role, if any, the president can legally have in personally choosing a design? Who would otherwise be authorized to choose?*

Below is our proposed CBP response to the press. We would appreciate your feedback & will coordinate with DHS CPO & OMB following your feedback:

(b) (5)

VR, KK

Kathryn L. Kolbe  
Executive Assistant Commissioner  
Enterprise Services  
U.S. Customs and Border Protection  
(b) (6), (b) (7)(C)

---

**From:** CALVO, KARL H.

**Sent:** Monday, September 25, 2017 11:20 AM

**To:** (b)(6) (b)(7)(c) FRIEL, MICHAEL J

(b)(6) (b)(7)(c) BORKOWSKI, MARK S (b)(6) (b)(7)(c)

**Cc:** KOLBE, KATHRYN (b)(6) (b)(7)(c)

(b)(6) (b)(7)(c)

(b)(6) (b)(7)(c)

**Subject:** RE: border wall questions

All,

(b) (5)

v/r Karl

---

**From:** (b)(6) (b)(7)(c)

**Sent:** Monday, September 25, 2017 10:35 AM

**To:** FRIEL, MICHAEL J (b)(6) (b)(7)(c) BORKOWSKI, MARK S

(b)(6) (b)(7)(c)

**Cc:** CALVO, KARL H. (b)(6) (b)(7)(c) KOLBE, KATHRYN (b)(6) (b)(7)(c)

**Subject:** RE: border wall questions

Hi Mike, thanks.

(b) (5)

This is more a program issue but I see that Karl is already on this. D

(b)(6) (b)(7)(c)

Deputy Assistant Commissioner, Acquisition  
Head of the Contracting Activity

Location: (b) (6), (b) (7)(C) National Place, Washington, DC

Desk (b) (6), (b) (7)(C)

Cell (b) (6), (b) (7)(C)

Main: (b) (6), (b) (7)(C)

---

**From:** FRIEL, MICHAEL J

**Sent:** Monday, September 25, 2017 9:38 AM

**To:** BORKOWSKI, MARK S (b)(6) (b)(7)(c)

(b)(6) (b)(7)(c)

**Cc:** CALVO, KARL H. (b)(6) (b)(7)(c) KOLBE, KATHRYN (b)(6) (b)(7)(c)

**Subject:** FW: border wall questions

Mark, (b) (6), (b) (7)(C)

(b) (5)

Appreciate your feedback.

R/S

Mike

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**From:** (b) (6)

**Sent:** Monday, September 25, 2017 8:52 AM

**To:** (b) (6) FRIEL, MICHAEL J <(b) (6), (b) (7)(C)>

**Subject:** RE: border wall questions

Let's make sure to loop in OGC on any draft response from the procurement people.

---

**From:** (b) (6)

**Sent:** Monday, September 25, 2017 8:49:13 AM

**To:** FRIEL, MICHAEL J

**Cc:** (b) (6)  
**Subject:** FW: border wall questions

(b) (5)

(b) (5)

Thanks,  
(b) (6)

---

**From:** Love, Kelly A. EOP/WHO (b) (6)  
**Sent:** Sunday, September 24, 2017 9:30 PM  
**To:** (b) (6)  
**Subject:** Re: border wall questions

Thank you. Question from (b) (6) below:

(b) (5)

Sent from my iPhone

On Sep 24, 2017, at 11:01 AM, (b) (6) wrote:

FYI

(b) (6)

Deputy Assistant Secretary for Media Operations/Press Secretary  
Department of Homeland Security

(b) (6)

(b) (6)

(b) (6)

---

**From:** (b) (6)  
**Sent:** Sunday, September 24, 2017 10:15:11 AM  
**To:** (b) (6)  
**Subject:** RE: border wall questions

Ok thanks. We've had a story online since early yesterday but we can always handle new info.

(b) (6)

Washington Bureau Chief

Dallas Morning News

(b) (6)

(b) (6) mobile

(b) (6)

(b) (6)

On Sep 24, 2017 10:06 AM, (b) (6) wrote:

(b) (6) If not too late for you, I've provided some wall and prototype details to the WH Comms team. Since your questions are about the President's comments, it's more appropriate for the WH to respond. You should be hearing from Kelly Love this morning.

(b) (6)

(b) (6)

Deputy Assistant Secretary for Media Operations/Press Secretary  
Department of Homeland Security

(b) (6)

(b) (6) (o)

(b) (6) (m)

---

**From:** (b) (6)  
**Sent:** Saturday, September 23, 2017 10:27:04 AM  
**To:** (b) (6)  
**Subject:** border wall questions

Hey (b) (6)

Sorry to bug you on a weekend. The president's comments last night about a border wall raised a few questions.

1. He said he wants the border wall to be "see-through." I know that making sure Border Patrol et al can see what's going on across the border is a goal in the design, but the president made it sound as though he wants the barrier to be entirely see-through. Is that part of the anticipated design?

2. The president said that he will soon take a look at the prototypes and then personally select the best design.

"We are looking at four different samples built by four great companies, four different concepts. They're just about completed," Trump said. "I'm going to go out and look at them personally and pick the right one."

Can you explain what role, if any, the president can legally have in personally choosing a design? Who would otherwise be authorized to choose?

Thanks much.

(b) (6)

Washington Bureau Chief  
The Dallas Morning News  
529 14<sup>th</sup> Street NW, (b) (6)  
Washington, DC 20045

(b) (6)

(b) (6) cell

(b) (6)



**From:** [FLANAGAN, PATRICK S](#)  
**To:** [SMITH, BRENDA BROCKMAN](#); [KOLBE, KATHRYN](#); (b) (6), (b) (7)(C) [BORKOWSKI, MARK S](#)  
**Cc:** [MCALEENAN, KEVIN K](#)  
**Subject:** FW: Request for Emergency Meeting in Staff Sec's office tomorrow at 10 a.m. or 11 a.m. to resolve border wall issue  
**Date:** Tuesday, August 22, 2017 1:58:17 PM

---

Please see possible questions for tomorrow's meeting.

V/R

Patrick

[Patrick Flanagan](#)

(b) (6), (b) (7)(C)

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---

**From:** Hamilton, Gene  
**Sent:** Tuesday, August 22, 2017 1:57 PM  
**To:** FLANAGAN, PATRICK S (b) (6), (b) (7)(C)  
**Subject:** FW: Request for Emergency Meeting in Staff Sec's office tomorrow at 10 a.m. or 11 a.m. to resolve border wall issue

[Gene P. Hamilton](#)  
[Senior Counselor to the Secretary](#)  
[U.S. Department of Homeland Security](#)

---

**From:** Lyons, Derek S. EOP/WHO (b) (6)  
**Sent:** Tuesday, August 22, 2017 1:39 PM  
**To:** Navarro, Peter K. EOP/WHO (b) (6) Staff Secretary  
<[staffsecretary@who.eop.gov](mailto:staffsecretary@who.eop.gov)>; Porter, Robert R. EOP/WHO (b) (6)  
**Cc:** Lighthizer, Robert E. EOP/USTR (b) (6) MCALEENAN, KEVIN K (b) (6), (b) (7)(C) Bremberg, Andrew P. EOP/WHO (b) (6) Miller, Stephen EOP/WHO (b) (6) Vaughn, Stephen P. EOP/USTR (b) (6) Griffin, Payne P. EOP/USTR (b) (6) (b) (6), (b) (7)(C) >; Hamilton, Gene (b) (6) Morrell, David M. EOP/WHO (b) (6) Lataif, Emily P. EOP/WHO (b) (6) Anderson, Jessica C. EOP/OMB (b) (6)  
**Subject:** RE: Request for Emergency Meeting in Staff Sec's office tomorrow at 10 a.m. or 11 a.m. to resolve border wall issue

I am happy convene a meeting tomorrow, if doing so could help the group reach consensus. Please

let (b) (6) copied here, know if you—or a proxy—can attend a meeting tomorrow on this topic in the Staff Secretary's office at either 10 or 11 am. We can set up a dial-in for those who may be traveling.

As I understand it, there are several issues that would need to be resolved on a quick time frame to move forward, some of which would likely require Presidential involvement. Therefore, if we can convene a meeting, I would propose to organize the discussion around these 6 questions:

1. (b) (5)
- 2.
- 3.
- 4.
- 5.
- 6.

Given possible budgetary implications of any decision, I've added OMB to this chain.

Thanks,

(b) (6)

---

**From:** Navarro, Peter K. EOP/WHO

**Sent:** Tuesday, August 22, 2017 12:14 PM

**To:** Staff Secretary <[staffsecretary@who.eop.gov](mailto:staffsecretary@who.eop.gov)>; Lyons, Derek S. EOP/WHO

(b) (6) Porter, Robert R. EOP/WHO (b) (6)

**Cc:** Lighthizer, Robert E. EOP/USTR (b) (6) MCALEENAN, KEVIN K

(b) (6) Bremberg, Andrew P. EOP/WHO

(b) (6) Miller, Stephen EOP/WHO (b) (6)

Vaughn, Stephen P. EOP/USTR (b) (6) Griffin, Payne P. EOP/USTR

(b)(6) (b)(7)(c)

(b) (6) Morrell, David M. EOP/WHO (b) (6)

**Subject:** Request for Emergency Meeting in Staff Sec's office tomorrow at 10 a.m. or 11 a.m. to resolve border wall issue

Derek,

I spoke with Rob about this and am attaching documents that relate to a deadline for inclusion of Buy American provision in border wall bids.

My office has been working a number of months now on this but we are at an impasse and a decision needs to be made forthwith.

I am requesting an emergency meeting tomorrow morning at StaffSec's office at 10 a.m. or 11 a.m. with representatives from CBP, USTR, DPC, OTMP, and WHLC.

Thanks for your consideration.

Peter Navarro

Attachments

Information Memo

Various documents from CBP

**From:** LADOWICZ, JOHN P  
**To:** (b) (6), (b) (7)(C)  
**Subject:** FW: McCaul Bill (HR3548 - Border Security for America Act of 2017)  
**Date:** Tuesday, October 03, 2017 2:56:37 PM  
**Attachments:** (b) (5)

---

FYSA.

Pete Ladowicz  
Assistant Commissioner  
Office of Congressional Affairs  
U.S. Customs and Border Protection  
(b) (6), (b) (7)(C) (phone)  
(b) (6), (b) (7)(C) (mobile)

---

**From:** LADOWICZ, JOHN P  
**Sent:** Tuesday, October 3, 2017 2:40 PM  
**To:** MCALEENAN, KEVIN K (b)(6) (b)(7)(c)  
**Cc:** PATRICK S FLANAGAN (b) (6), (b) (7)(C) KIM M LOWRY (b)(6) (b)(7)(c)  
**Subject:** FW: McCaul Bill (HR3548 - Border Security for America Act of 2017)

Commissioner,

FYSA, attached is the draft views letter regarding the McCaul border bill that OGC has sent to Acting COS (b) (6), (b) (7)(C) for clearance prior to submission to OMB. (b) (5)

(b) (5)

(b) (5)

(b) (5)

(b) (5)

I will attend tomorrow morning's mark up. (b) (5)

(b) (5)

(b) (5)

(b) (5)

(b) (5)

(b) (5)

(b) (5)

(b) (5)

Please let me know if you require any additional information.

V/r,  
Pete

Pete Ladowicz

Assistant Commissioner  
Office of Congressional Affairs  
U.S. Customs and Border Protection  
(b) (6), (b) (7)(C) (phone)  
(b) (6), (b) (7)(C) (mobile)

(b) (5)

(b) (5)

(b) (5)

**From:** Ventura, Alexandra EOP/OMB

**Sent:** Monday, October 2, 2017 1:11 PM

**To:** (b) (6)

(b) (6)  
(b) (6)  
(b) (6)  
(b) (6)  
(b) (6)  
(b) (6)

**Cc:** Kraninger, Kathleen L. EOP/OMB (b) (6); Marten, Lexi N. EOP/OMB (b) (6); Abrams, Andrew D. EOP/OMB (b) (6); Holm, Jim S. EOP/OMB (b) (6); Mellon, Patrick J. EOP/OMB (b) (6); Croce, Joseph A. EOP/OMB (b) (6); Daumit, Alexander (Jim) J. EOP/OMB (b) (6); Boden, James EOP/OMB (b) (6); Bradlee, Mollie H. EOP/OMB (b) (6); Newman, Kimberly A. EOP/OMB (b) (6); Riggs, Kyle S. EOP/OMB (b) (6); Blair, Robert B. EOP/OMB (b) (6); Dennehy, Laura C. EOP/OMB (b) (6); Fairweather, Rob S. EOP/OMB (b) (6); Pipan, Joseph G. EOP/OMB (b) (6)

(b) (6) Vanka, Sarita EOP/OMB (b) (6); DL OMB  
NSP NSD OPS (b) (6) Gray, John W. EOP/OMB  
(b) (6) Bishop, Bradley E. EOP/OMB  
Smalligan, Jack A. EOP/OMB (b) (6) Hanson, Jennifer L. EOP/OMB  
(b) (6) Hanson, Brian J. EOP/OMB (b) (6)  
Sciannameo, Maria EOP/OMB (b) (6) Widuch, Brian A.  
EOP/OMB (b) (6) Hoef, Jen E. EOP/OMB  
(b) (6) Bomberger, Melissa B. EOP/OMB  
(b) (6) Wang, Kan EOP/OMB (b) (6)  
Theroux, Rich P. EOP/OMB (b) (6) Joyce, Shannon M. EOP/OMB  
(b) (6) Bashadi, Sarah O. EOP/OMB  
(b) (6) Carroll, James W. EOP/OMB (b) (6)  
Walsh, Heather V. EOP/OMB (b) (6) Hitter, Thomas E. EOP/OMB  
(b) (6) Nusraty, Tim H. EOP/OMB  
(b) (6) Slemrod, Jonathan A. EOP/OMB  
(b) (6) Sugarman, AJ J. EOP/OMB (b) (6)  
Koenig, Andrew D. EOP/WHO (b) (6) Swonger, Amy H. EOP/WHO  
(b) (6) Simms, Cindy B. EOP/WHO (b) (6)  
Winfree, Paul L. EOP/WHO (b) (6) Bash, Zina G. EOP/WHO  
(b) (6) Zadrozny, John A. EOP/WHO (b) (6)  
Wetmore, David H. EOP/WHO (b) (6) Whetstone, Trevor D. EOP/WHO  
(b) (6) Salvi, Mary E. EOP/WHO (b) (6)  
Sherk, James B. EOP/CEA (b) (6) (b) (6)  
(b) (6)  
(b) (6)  
(b) (6) Anderson, Jessica C.  
EOP/OMB (b) (6) Vaeth, Matt J. EOP/OMB  
(b) (6) Menard, Barbara A. EOP/OMB  
(b) (6) Myers, Hayley W. EOP/OMB  
(b) (6) Burnim, John D. EOP/OMB (b) (6)  
Gonzalez, Oscar EOP/OMB (b) (6) Bronack, Candice M. EOP/OMB  
(b) (5)

**Subject:** REMINDER: LRM [OG-115-174] DUE 10/2 @ 1:00 P.M. -- OMB Request for Views on HR3548  
- Border Security for America Act of 2017

**Importance:** High

This is a reminder that agency comments on H.R. 3548 were due today at 1PM. Please submit comments ASAP. Thank you.

---

**From:** Gonzalez, Oscar EOP/OMB

**Sent:** Thursday, September 28, 2017 10:33 AM

**To:** (b) (6)

(b) (6)

(b) (6); 'DHS' (b) (6);



(b) (6)

Cc: Kraninger, Kathleen L. EOP/OMB (b) (6) Marten, Lexi N.  
EOP/OMB (b) (6) Abrams, Andrew D. EOP/OMB  
(b) (6) Holm, Jim S. EOP/OMB (b) (6) Mellon,  
Patrick J. EOP/OMB (b) (6) ; Croce, Joseph A. EOP/OMB  
(b) (6) Daumit, Alexander (Jim) J. EOP/OMB  
(b) (6) Boden, James EOP/OMB (b) (6)  
Bradlee, Mollie H. EOP/OMB (b) (6) Newman, Kimberly A. EOP/OMB  
(b) (6) Riggs, Kyle S. EOP/OMB (b) (6)  
Blair, Robert B. EOP/OMB (b) (6) Dennehy, Laura C. EOP/OMB  
(b) (6) Fairweather, Rob S. EOP/OMB  
(b) (6) Pipan, Joseph G. EOP/OMB  
(b) (6) Vanka, Sarita EOP/OMB (b) (6)  
(b) (6) Gray, John W. EOP/OMB  
(b) (6) Bishop, Bradley E. EOP/OMB (b) (6)  
Smalligan, Jack A. EOP/OMB (b) (6) Hanson, Jennifer L. EOP/OMB  
(b) (6) Hanson, Brian J. EOP/OMB (b) (6)  
Sciannameo, Maria EOP/OMB (b) (6) Widuch, Brian A.  
EOP/OMB (b) (6) Hoef, Jen E. EOP/OMB  
(b) (6) Bomberger, Melissa B. EOP/OMB  
(b) (6) Wang, Kan EOP/OMB (b) (6)  
Theroux, Rich P. EOP/OMB (b) (6) Joyce, Shannon M. EOP/OMB  
(b) (6) Bashadi, Sarah O. EOP/OMB  
(b) (6) Carroll, James W. EOP/OMB (b) (6)  
Walsh, Heather V. EOP/OMB (b) (6) Hitter, Thomas E. EOP/OMB  
(b) (6) Nusraty, Tim H. EOP/OMB  
(b) (6) Slemrod, Jonathan A. EOP/OMB  
(b) (6) Sugarman, AJ J. EOP/OMB (b) (6)  
Koenig, Andrew D. EOP/WHO (b) (6) Swonger, Amy H. EOP/WHO  
(b) (6) Simms, Cindy B. EOP/WHO (b) (6)  
Winfree, Paul L. EOP/WHO (b) (6) Bash, Zina G. EOP/WHO  
(b) (6) Zadrozny, John A. EOP/WHO (b) (7)(E)  
Wetmore, David H. EOP/WHO (b) (7)(E) ; Whetstone, Trevor D. EOP/WHO  
(b) (7)(E) Salvi, Mary E. EOP/WHO (b) (7)(E)  
(b) (6)  
(b) (6)  
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(b) (6) ; Anderson, Jessica C.  
EOP/OMB (b) (6) Vaeth, Matt J. EOP/OMB  
(b) (6) Ventura, Alexandra EOP/OMB  
(b) (6) Menard, Barbara A. EOP/OMB  
(b) (6) Myers, Hayley W. EOP/OMB



(b) (6) Burnim, John D. EOP/OMB (b) (6)

**Subject:** RE: REVISED DEADLINE: LRM [OG-115-174] DUE 10/4 @ 11:00 A.M. -- OMB Request for Views on HR3548 - Border Security for America Act of 2017

In case it is helpful, attached is a redline document comparing the latest bill text to the version that I originally circulated.

Thanks

---

**From:** Gonzalez, Oscar EOP/OMB

**Sent:** Thursday, September 28, 2017 9:57 AM

**To:** (b) (6) ; 'DHS'; (b) (6)

**Cc:** Kraninger, Kathleen L. EOP/OMB ; Marten, Lexi N. EOP/OMB ; Abrams, Andrew D. EOP/OMB ; Holm, Jim S. EOP/OMB ; Mellon, Patrick J. EOP/OMB ; Croce, Joseph A. EOP/OMB ; Daumit, Alexander (Jim) J. EOP/OMB ; Boden, James EOP/OMB ; Bradlee, Mollie H. EOP/OMB ; Newman, Kimberly A. EOP/OMB ; Riggs, Kyle S. EOP/OMB ; Blair, Robert B. EOP/OMB ; Dennehy, Laura C. EOP/OMB ; Fairweather, Rob S. EOP/OMB ; Pipan, Joseph G. EOP/OMB ; Vanka, Sarita EOP/OMB (b) (6) ; Gray, John W. EOP/OMB ; Bishop, Bradley E. EOP/OMB ; Smalligan, Jack A. EOP/OMB ; Hanson, Jennifer L. EOP/OMB ; Hanson, Brian J. EOP/OMB ; Sciannameo, Maria EOP/OMB ; Widuch, Brian A. EOP/OMB ; Hoef, Jen E. EOP/OMB ; Bomberger, Melissa B. EOP/OMB ; Wang, Kan EOP/OMB ; Theroux, Rich P. EOP/OMB ; Joyce, Shannon M. EOP/OMB ; Bashadi, Sarah O. EOP/OMB ; Carroll, James W. EOP/OMB ; Walsh, Heather V. EOP/OMB ; Hitter, Thomas E. EOP/OMB ; Nusraty, Tim H. EOP/OMB ; Slemrod, Jonathan A. EOP/OMB ; Sugarman, AJ J. EOP/OMB ; Koenig, Andrew D. EOP/WHO ; Swonger, Amy H. EOP/WHO ; Simms, Cindy B. EOP/WHO ; Winfree, Paul L. EOP/WHO ; Bash, Zina G. EOP/WHO ; Zadrozny, John A. EOP/WHO ; Wetmore, David H. EOP/WHO ; Whetstone, Trevor D. EOP/WHO ; Salvi, Mary E. EOP/WHO ; (b) (6)

(b) (6) Anderson, Jessica C. EOP/OMB ; Vaeth, Matt J. EOP/OMB ; Ventura, Alexandra EOP/OMB ; Menard, Barbara A. EOP/OMB ; Myers, Hayley W. EOP/OMB ; Burnim, John D. EOP/OMB

**Subject:** REVISED DEADLINE: LRM [OG-115-174] DUE 10/4 @ 11:00 A.M. -- OMB Request for Views on HR3548 - Border Security for America Act of 2017

**Importance:** High

We've just learned that the House Homeland Security Committee is scheduled to mark up this bill on October 4th. As such, we need to move up the deadline for review to **1:00 P.M. Monday, October 2nd**. Apologies for the compressed timeframe. Also, the latest version of the bill is attached in Word and PDF formats.

Thanks

---

**From:** Gonzalez, Oscar EOP/OMB

**Sent:** Tuesday, September 26, 2017 4:38 PM

**To:** (b) (6) ; 'DHS'; (b) (6) ;

(b) (6)

**Cc:** Kraninger, Kathleen L. EOP/OMB ; Marten, Lexi N. EOP/OMB ; Abrams, Andrew D. EOP/OMB ; Holm, Jim S. EOP/OMB ; Mellon, Patrick J. EOP/OMB ; Croce, Joseph A. EOP/OMB ; Daumit, Alexander (Jim) J. EOP/OMB ; Boden, James EOP/OMB ; Bradlee, Mollie H. EOP/OMB ; Newman, Kimberly A. EOP/OMB ; Riggs, Kyle S. EOP/OMB ; Blair, Robert B. EOP/OMB ; Dennehy, Laura C. EOP/OMB ; Fairweather, Rob S. EOP/OMB ; Pipan, Joseph G. EOP/OMB ; Vanka, Sarita EOP/OMB ; (b) (6) ; Gray, John W. EOP/OMB ; Bishop, Bradley E. EOP/OMB ; Smalligan, Jack A. EOP/OMB ; Hanson, Jennifer L. EOP/OMB ; Hanson, Brian J. EOP/OMB ; Sciannameo, Maria EOP/OMB ; Widuch, Brian A. EOP/OMB ; Hoef, Jen E. EOP/OMB ; Bomberger, Melissa B. EOP/OMB ; Wang, Kan EOP/OMB ; Theroux, Rich P. EOP/OMB ; Joyce, Shannon M. EOP/OMB ; Bashadi, Sarah O. EOP/OMB ; Carroll, James W. EOP/OMB ; Walsh, Heather V. EOP/OMB ; Hitter, Thomas E. EOP/OMB ; Nusraty, Tim H. EOP/OMB ; Slemrod, Jonathan A. EOP/OMB ; Sugarman, AJ J. EOP/OMB ; Koenig, Andrew D. EOP/WHO ; Swonger, Amy H. EOP/WHO ; Simms, Cindy B. EOP/WHO ; Winfree, Paul L. EOP/WHO ; Bash, Zina G. EOP/WHO ; Zadrozny, John A. EOP/WHO ; Wetmore, David H. EOP/WHO ; Whetstone, Trevor D. EOP/WHO ; Salvi, Mary E. EOP/WHO ; (b) (6)

(b) (6) Anderson, Jessica C. EOP/OMB ; Vaeth, Matt J. EOP/OMB ; Ventura, Alexandra EOP/OMB ; Menard, Barbara A. EOP/OMB ; Myers, Hayley W. EOP/OMB ; Burnim, John D. EOP/OMB

**Subject:** LRM [OG-115-174] DUE 10/4 @ 11:00 A.M. -- OMB Request for Views on HR3548 - Border Security for America Act of 2017

**DEADLINE: 11:00 A.M. Wednesday, October 04, 2017**

**Attached, please find H.R. 3458, the Border Security for America Act of 2017, which is similar to the first two titles of S. 1757, the Building America's Trust Act. That bill was circulated as LRM OG-115-168. Please submit any comments on the bill by the deadline.**

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LRM ID: OG-115-174  
EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF MANAGEMENT AND BUDGET

LEGISLATIVE REFERRAL MEMORANDUM  
Tuesday, September 26, 2017

TO: Legislative Liaison Officer - See Distribution

FROM: (b) (6) (for) Assistant Director for Legislative Reference  
SUBJECT: LRM [OG-115-174] DUE 10/4 @ 11:00 A.M. OMB Request for Views on HR3548 - Border Security for America Act of 2017

OMB CONTACT: Oscar Gonzalez

E-Mail: (b) (6)

PHONE: (b) (6)

FAX: (b) (6)

In accordance with OMB Circular A-19, OMB requests the views of your agency on the above subject before advising on its relationship to the program of the President. By the deadline above, please reply by e-mail or telephone, using the OMB Contact information above.

Please advise us if this item will affect direct spending or receipts for the purposes of the Statutory Pay-as-You-Go Act of 2010.

Thank you.

(b) (5)



(b) (5)



(b) (5)



**From:** [Holm, Jim S. EOP/OMB](#)  
**To:** [BORKOWSKI, MARK S](#)  
**Subject:** Re: Request for Emergency Meeting in Staff Sec's office tomorrow at 10 a.m. or 11 a.m. to resolve border wall issue  
**Date:** Tuesday, August 22, 2017 2:12:50 PM

---

Yes thanks for the viz. I think Kathy will be involved.

Jim Holm  
Office of Management and Budget  
(b) (6)

On Aug 22, 2017, at 2:06 PM, BORKOWSKI, MARK S  
(b)(6) (b)(7)(c) wrote:

Jim,

Are you in the loop on this?

Mr. McAleenan has been working with Mr. Navarro I was asked earlier today if the decision could wait until Friday. (b) (5)

v/r,  
Mark

From: SMITH, BRENDA BROCKMAN  
Sent: Tuesday, August 22, 2017 1:40 PM  
To: Peter K. Navarro (b) (6)  
Cc: (b) (6), (b) (7)(C)  
(b)(6) (b)(7)(c); KOLBE,  
KATHRYN (b)(6) (b)(7)(c); BORKOWSKI, MARK S  
(b)(6) (b)(7)(c)  
Subject: FW: Request for Emergency Meeting in Staff Sec's office tomorrow at 10 a.m. or 11 a.m. to resolve border wall issue

Peter - we would like to join tomorrow's meeting on CBP's behalf. Could someone send us a WAVES link?

Thanks, Brenda

Brenda B. Smith  
Executive Assistant Commissioner  
Office of Trade  
US Customs and Border Protection  
1400 L St., NW 12th floor  
Washington, DC 20229

Email: (b)(6) (b)(7)(c)  
Phone: (b) (6), (b) (7)(C)

From: (b) (6), (b) (7)(C)  
Sent: Tuesday, August 22, 2017 1:36 PM  
To: SMITH, BRENDA BROCKMAN  
(b)(6) (b)(7)(c)

KOLBE, KATHRYN (b)(6) (b)(7)(c)

Subject: FW: Request for Emergency Meeting in Staff Sec's office tomorrow at 10 a.m. or 11 a.m. to resolve border wall issue

In case you have not seen this email from Peter Navarro. F

(b) (6), (b) (7)

Associate Chief Counsel - Trade and Finance  
Office of the Chief Counsel  
U.S. Customs and Border Protection  
(b) (6), (b) (7)(C)

ATTORNEY-CLIENT PRIVILEGED/ATTORNEY WORK PRODUCT

This communication might contain communications between attorney and client, communications that are part of the agency deliberative process, or attorney-work product, all of which are privileged and not subject to disclosure outside the agency or to the public. Please consult with the Office of Chief Counsel, U.S. Customs and Border Protection before disclosing any information contained in this email.

From: Navarro, Peter K. EOP/WHO (b) (6)  
Sent: Tuesday, August 22, 2017 12:14 PM  
To: Staff Secretary <staffsecretary@who.eop.gov<<mailto:staffsecretary@who.eop.gov>>>; Lyons, Derek S.  
EOP/WHO (b) (6) Porter, Robert R. EOP/WHO  
(b) (6)  
Cc: Lighthizer, Robert E. EOP/USTR  
(b) (6) MCALEENAN, KEVIN K  
(b) (6), (b) (7)(C); Bremberg, Andrew  
P. EOP/WHO (b) (6) Miller, Stephen  
EOP/WHO (b) (6) Vaughn, Stephen P.  
EOP/USTR (b) (6) Griffin, Payne P.  
EOP/USTR (b) (6)  
(b)(6) (b)(7)(c)  
Hamilton, Gene (b) (6) Morrell, David M. EOP/WHO  
(b) (6)  
Subject: Request for Emergency Meeting in Staff Sec's office tomorrow at 10 a.m. or 11 a.m. to resolve border wall issue

Derek,

I spoke with Rob about this and am attaching documents that relate to a deadline for inclusion of Buy American provision in border wall bids.

My office has been working a number of months now on this but we are at an impasse and a decision needs to be made forthwith.

I am requesting an emergency meeting tomorrow morning at StaffSec's office at 10 a.m. or 11 a.m. with representatives from CBP, USTR, DPC, OTMP, and WHLC.



Thanks for your consideration.

Peter Navarro

Attachments

Information Memo

Various documents from CBP

<Information Memo.docx>

<Reinstatement of BAA for USACE Replacement Projects 1.0.docx>

<mcaleenan UPDATE.pdf>

(b) (5)

---

**From:** MCALEENAN, KEVIN K

**Sent:** Monday, September 25, 2017 5:28:02 PM

**To:** KOLBE, KATHRYN; VITIELLO, RONALD D (USBP)

**Cc:** FRIEL, MICHAEL J; (b) (6), (b) (7)(C) BORKOWSKI, MARK S; (b) (6), (b) (7)(C)

**Subject:** RE: Press Inquiry re: POTUS Evaluation of Border Wall Prototypes

Thank you. (b) (5) e

(b) (5)

---

**From:** KOLBE, KATHRYN

**Sent:** Monday, September 25, 2017 12:16 PM

**To:** MCALEENAN, KEVIN K (b)(6) (b)(7)(c) VITIELLO, RONALD D (USBP)

(b)(6) (b)(7)(c)

**Cc:** FRIEL, MICHAEL J (b)(6) (b)(7)(c)

(b)(6) (b)(7)(c)

BORKOWSKI, MARK S (b)(6) (b)(7)(c)

**Subject:** Press Inquiry re: POTUS Evaluation of Border Wall Prototypes

C1/C2,

The DHS press office forwarded this press inquiry to us this morning.

*2. The president said that he will soon take a look at the prototypes and then personally select the best design.*

*"We are looking at four different samples built by four great companies, four different concepts. They're just about completed," Trump said. "I'm going to go out and look at them personally and pick the right one."*

*Can you explain what role, if any, the president can legally have in personally choosing a design? Who would otherwise be authorized to choose?*

Below is our proposed CBP response to the press. We would appreciate your feedback & will coordinate with DHS CPO & OMB following your feedback:

(b) (5)

VR, KK

Kathryn L. Kolbe  
Executive Assistant Commissioner  
Enterprise Services  
U.S. Customs and Border Protection  
Office (b) (6), (b) (7)(C)  
Cell (b) (6), (b) (7)(C)

---

**From:** CALVO, KARL H.

**Sent:** Monday, September 25, 2017 11:20 AM

**To:** (b)(6) (b)(7)(c) FRIEL, MICHAEL J

(b)(6) (b)(7)(c) BORKOWSKI, MARK S (b)(6) (b)(7)(c)

**Cc:** KOLBE, KATHRYN (b)(6) (b)(7)(c)

(b)(6) (b)(7)(c)

(b)(6) (b)(7)(c)

**Subject:** RE: border wall questions

All,

(b) (5)

v/r Karl

---

**From:** (b) (6), (b) (7)(C)

**Sent:** Monday, September 25, 2017 10:35 AM

**To:** FRIEL, MICHAEL J (b)(6) (b)(7)(c); BORKOWSKI, MARK S

(b)(6) (b)(7)(c)

**Cc:** CALVO, KARL H. (b)(6) (b)(7)(c); KOLBE, KATHRYN (b)(6) (b)(7)(c)

**Subject:** RE: border wall questions

Hi Mike, thanks. (b) (5)

(b)(6) (b)(7)(c)

(b)(6) (b)(7)(c)

(b)(6) (b)(7)(c) This is more a program issue but I see that Karl is already on this. (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

Deputy Assistant Commissioner, Acquisition

Head of the Contracting Activity

Location: (b) (6), (b) (7)(C) National Place, Washington, DC

Desk: (b) (6), (b) (7)(C)

Cell: (b) (6), (b) (7)(C)

Main: (b) (6), (b) (7)(C)

---

**From:** FRIEL, MICHAEL J

**Sent:** Monday, September 25, 2017 9:38 AM

**To:** BORKOWSKI, MARK S (b)(6) (b)(7)(c)

(b)(6) (b)(7)(c)

**Cc:** CALVO, KARL H. (b)(6) (b)(7)(c); KOLBE, KATHRYN (b)(6) (b)(7)(c)

**Subject:** FW: border wall questions

Mark, (b) (6), (b) (7)(C)

(b) (5)

Appreciate your feedback.

R/S

Mike

---

**From:** (b) (6)

**Sent:** Monday, September 25, 2017 8:52 AM

**To:** (b) (6) FRIEL, MICHAEL J (b)(6) (b)(7)(c)

**Subject:** RE: border wall questions

Let's make sure to loop in OGC on any draft response from the procurement people.

---

**From:** (b) (6)

**Sent:** Monday, September 25, 2017 8:49:13 AM

**To:** FRIEL, MICHAEL J

**Cc:** (b) (6)

**Subject:** FW: border wall questions

(b) (5)

(b) (5)

Thanks,

(b) (6)

---

**From:** Love, Kelly A. EOP/WHO (b) (6)

**Sent:** Sunday, September 24, 2017 9:30 PM

**To:** (b) (6)

**Subject:** Re: border wall questions

Thank you. Question from (b) (6) below:

(b) (5)

(b) (5)

Sent from my iPhone

On Sep 24, 2017, at 11:01 AM, (b) (6) wrote:

FYI

(b) (6)

Deputy Assistant Secretary for Media Operations/Press Secretary  
Department of Homeland Security

(b) (6)

(b) (6)

(b) (6)

---

**From:** (b) (6)

**Sent:** Sunday, September 24, 2017 10:15:11 AM

**To:** (b) (6)

**Subject:** RE: border wall questions

Ok thanks. We've had a story online since early yesterday but we can always handle new info.

(b) (6)

Washington Bureau Chief  
Dallas Morning News

(b) (6)

(b) (6) mobile

(b) (6)

(b) (6)

On Sep 24, 2017 10:06 AM, (b) (6) wrote:

(b) (6) If not too late for you, I've provided some wall and prototype details to the WH Comms team. Since your questions are about the President's comments, it's more appropriate for the WH to respond. You should be hearing from Kelly Love this morning.

(b) (6)

(b) (6)

Deputy Assistant Secretary for Media Operations/Press Secretary  
Department of Homeland Security

(b) (6)

(b) (6) (o)

(b) (6) (m)

---

**From:** (b) (6)  
**Sent:** Saturday, September 23, 2017 10:27:04 AM  
**To:** (b) (6)  
**Subject:** border wall questions

Hey (b) (6),

Sorry to bug you on a weekend. The president's comments last night about a border wall raised a few questions.

1. He said he wants the border wall to be "see-through." I know that making sure Border Patrol et al can see what's going on across the border is a goal in the design, but the president made it sound as though he wants the barrier to be entirely see-through. Is that part of the anticipated design?

2. The president said that he will soon take a look at the prototypes and then personally select the best design.

"We are looking at four different samples built by four great companies, four different concepts. They're just about completed," Trump said. "I'm going to go out and look at them personally and pick the right one."

Can you explain what role, if any, the president can legally have in personally choosing a design? Who would otherwise be authorized to choose?

Thanks much.

(b) (6)  
Washington Bureau Chief  
The Dallas Morning News  
529 14<sup>th</sup> Street NW, (b) (6)  
Washington, DC 20045  
(b) (6)  
(b) (6) cell  
(b) (6)



**From:** BORKOWSKI, MARK S  
**To:** (b) (6), (b) (7)(C) KOLBE, KATHRYN  
**Subject:** RE: Press Inquiry re: POTUS Evaluation of Border Wall Prototypes  
**Date:** Tuesday, September 26, 2017 1:34:11 PM

---

(b) (5)

[REDACTED]

(b) (5)

[REDACTED]

I kind of liked what the lawyers offered.

---

**From:** (b) (6), (b) (7)(C)  
**Sent:** Monday, September 25, 2017 2:50 PM  
**To:** KOLBE, KATHRYN (b)(6) (b)(7)(c) BORKOWSKI, MARK S  
(b)(6) (b)(7)(c)  
**Subject:** RE: Press Inquiry re: POTUS Evaluation of Border Wall Prototypes

(b) (5)

[REDACTED]

---

**From:** KOLBE, KATHRYN  
**Sent:** Monday, September 25, 2017 6:03:50 PM  
**To:** BORKOWSKI, MARK S; (b) (6), (b) (7)(C)  
**Subject:** FW: Press Inquiry re: POTUS Evaluation of Border Wall Prototypes

Mark (b) (6), (b) (7)(c) (b) (5)

[REDACTED]

---

**From:** MCALEENAN, KEVIN K  
**Sent:** Monday, September 25, 2017 12:28 PM  
**To:** KOLBE, KATHRYN (b)(6) (b)(7)(c) VITIELLO, RONALD D (USBP)  
(b)(6) (b)(7)(c)  
**Cc:** FRIEL, MICHAEL J (b)(6) (b)(7)(c)  
(b)(6) (b)(7)(c)  
BORKOWSKI, MARK S (b)(6) (b)(7)(c)  
(b)(6) (b)(7)(c)  
**Subject:** RE: Press Inquiry re: POTUS Evaluation of Border Wall Prototypes

Thank you. (b) (5)

[REDACTED]



(b) (5)

---

**From:** KOLBE, KATHRYN

**Sent:** Monday, September 25, 2017 12:16 PM

**To:** MCALEENAN, KEVIN K (b)(6) (b)(7)(c) VITIELLO, RONALD D (USBP)

(b)(6) (b)(7)(c)

**Cc:** FRIEL, MICHAEL J (b)(6) (b)(7)(c)

(b)(6) (b)(7)(c)

BORKOWSKI, MARK S (b)(6) (b)(7)(c)

**Subject:** Press Inquiry re: POTUS Evaluation of Border Wall Prototypes

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Below is our proposed CBP response to the press. We would appreciate your feedback & will coordinate with DHS CPO & OMB following your feedback:

(b) (5)

VR, KK

Kathryn L. Kolbe  
Executive Assistant Commissioner  
Enterprise Services  
U.S. Customs and Border Protection  
Office (b) (6), (b) (7)(C)  
Cell (b) (6), (b) (7)(C)

---

**From:** CALVO, KARL H.

**Sent:** Monday, September 25, 2017 11:20 AM

**To:** (b)(6) (b)(7)(c) FRIEL, MICHAEL J

(b)(6) (b)(7)(c) BORKOWSKI, MARK S (b)(6) (b)(7)(c)

**Cc:** KOLBE, KATHRYN (b)(6) (b)(7)(c)

(b)(6) (b)(7)(c)

(b)(6) (b)(7)(c)

**Subject:** RE: border wall questions

All,

(b) (5)

v/r Karl

---

**From:** (b) (6), (b) (7)(C)

**Sent:** Monday, September 25, 2017 10:35 AM

**To:** FRIEL, MICHAEL J (b)(6) (b)(7)(c) BORKOWSKI, MARK S

(b)(6) (b)(7)(c)

**Cc:** CALVO, KARL H. (b)(6) (b)(7)(c) KOLBE, KATHRYN (b)(6) (b)(7)(c)

**Subject:** RE: border wall questions

Hi Mike, thanks (b) (5)

. This is more a program issue but I see that Karl is already on this. (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

Deputy Assistant Commissioner, Acquisition

Head of the Contracting Activity

Location: (b) (6), (b) (7)(C) National Place, Washington, DC

Desk: (b) (6), (b) (7)(C)

Cell: (b) (6), (b) (7)(C)

Main: (b) (6), (b) (7)(C)

---

**From:** FRIEL, MICHAEL J

**Sent:** Monday, September 25, 2017 9:38 AM

**To:** BORKOWSKI, MARK S (b)(6) (b)(7)(c)

(b)(6) (b)(7)(c)

**Cc:** CALVO, KARL H. (b)(6) (b)(7)(c) KOLBE, KATHRYN (b)(6) (b)(7)(c)

**Subject:** FW: border wall questions

Mark, (b) (6), (b) (7)(C)

(b) (5)

Appreciate your feedback.

R/S

Mike

---

**From:** (b) (6)

**Sent:** Monday, September 25, 2017 8:52 AM

**To:** (b) (6) FRIEL, MICHAEL J (b)(6) (b)(7)(c)

**Subject:** RE: border wall questions

Let's make sure to loop in OGC on any draft response from the procurement people.

---

**From:** (b) (6)

**Sent:** Monday, September 25, 2017 8:49:13 AM

**To:** FRIEL, MICHAEL J

**Cc:** (b) (6)

**Subject:** FW: border wall questions

(b) (5)

(b) (5)

Thanks,

(b) (6)

---

**From:** Love, Kelly A. EOP/WHO (b) (6)

**Sent:** Sunday, September 24, 2017 9:30 PM

**To:** (b) (6)

**Subject:** Re: border wall questions

Thank you. Question from (b) (6) below:

(b) (5)

(b) (5)

Sent from my iPhone

On Sep 24, 2017, at 11:01 AM, (b) (6) wrote:

FYI

(b) (6)

Deputy Assistant Secretary for Media Operations/Press Secretary  
Department of Homeland Security

(b) (6)

(b) (6) (o)

(b) (6) (m)

---

**From:** (b) (6)

**Sent:** Sunday, September 24, 2017 10:15:11 AM

**To:** (b) (6)

**Subject:** RE: border wall questions

Ok thanks. We've had a story online since early yesterday but we can always handle new info.

(b) (6)

Washington Bureau Chief  
Dallas Morning News

(b) (6)

(b) (6) mobile

(b) (6)

(b) (6)

On Sep 24, 2017 10:06 AM, (b) (6) wrote:

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(b) (6)

(b) (6)

Deputy Assistant Secretary for Media Operations/Press Secretary  
Department of Homeland Security

(b) (6)

(b) (6) (o)

(b) (6) (m)

---

**From:** (b) (6)  
**Sent:** Saturday, September 23, 2017 10:27:04 AM  
**To:** (b) (6)  
**Subject:** border wall questions

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Can you explain what role, if any, the president can legally have in personally choosing a design? Who would otherwise be authorized to choose?

Thanks much.

(b) (6)  
Washington Bureau Chief  
The Dallas Morning News  
529 14<sup>th</sup> Street NW, (b) (6)  
Washington, DC 20045  
(b) (6)  
(b) (6) cell  
(b) (6)

**From:** [CALVO, KARL H.](#)  
**To:** [KOLBE, KATHRYN](#)  
**Subject:** RE: CBP Buy American Update  
**Date:** Tuesday, April 11, 2017 10:02:04 PM

---

Kathryn,

(b) (5)



V/r Karl

---

**From:** KOLBE, KATHRYN  
**Sent:** Tuesday, April 11, 2017 9:58:54 PM  
**To:** CALVO, KARL H.  
**Subject:** RE: CBP Buy American Update

OK, what's the plan to award RGV?

Kathryn L. Kolbe  
Executive Assistant Commissioner  
Enterprise Services  
U.S. Customs and Border Protection  
Office (b) (6), (b) (7)(C)  
Cell (b) (6), (b) (7)(C)

---

**From:** CALVO, KARL H.  
**Sent:** Tuesday, April 11, 2017 9:58 PM  
**To:** KOLBE, KATHRYN (b)(6) (b)(7)(c)  
**Subject:** RE: CBP Buy American Update

Kathryn,

(b) (5)



V/r Karl

---

**From:** KOLBE, KATHRYN  
**Sent:** Tuesday, April 11, 2017 9:53:19 PM  
**To:** CALVO, KARL H.  
**Subject:** FW: CBP Buy American Update

Karl,

(b) (5)



(b) (5)

(b) (5)

---

**From:** (b) (6), (b) (7)(C)

**Sent:** Tuesday, April 11, 2017 9:47 PM

**To:** KOLBE, KATHRYN (b)(6) (b)(7)(c) CALVO, KARL H.

(b)(6) (b)(7)(c) BORKOWSKI, MARK S (b)(6) (b)(7)(c)

**Subject:** FW: CBP Buy American Update

Fyi

---

**From:** SMITH, BRENDA BROCKMAN

**Sent:** Wednesday, April 12, 2017 12:55:40 AM

**To:** [Peter K. Navarro](#) (b) (6) Gray, Alexander B. EOP/WHO

**Cc:** (b) (6), (b) (7)(C)

**Subject:** CBP Buy American Update

Peter and Alex,

(b) (5)

(b) (5)

(b) (5)

(b) (5)

A large black rectangular redaction box covering the first paragraph of text.

(b) (5)

A large black rectangular redaction box covering the second paragraph of text.

(b) (5)

A large black rectangular redaction box covering the third paragraph of text.

(b) (5)

A large black rectangular redaction box covering the fourth paragraph of text.

(b) (5)

A large black rectangular redaction box covering the fifth paragraph of text.

Please let me know if this raises any additional questions. We are also working to find the answer on how much foreign content could still be allowed under the provisions of BAA.

Have a good evening, Brenda



Brenda B. Smith  
Executive Assistant Commissioner  
Office of Trade  
US Customs and Border Protection  
1400 L St., NW 12th floor  
Washington, DC 20229

Email: (b)(6) (b)(7)(c)

Phone: (b) (6), (b) (7)(C)

Please contact (b) (6), (b) (7)(C) or (b)(6) (b)(7)(c) for calendar information.

**From:** [CALVO, KARL H.](#)  
**To:** [KOLBE, KATHRYN](#)  
**Cc:** (b) (6)  
**Subject:** FW: FOR WALL IPT: Update on Buy American Act  
**Date:** Thursday, May 18, 2017 7:30:49 AM  
**Attachments:** [Buy American Act and FAR.PDF](#)  
[Buy American Domestic Content Restrictions.pdf](#)  
[Buy American and Hire American.pdf](#)  
[FW CBP Buy American Update.msg](#)

---

Kathryn,  
Below is a very detailed status BAA from (b)(6);(b)(7)(C) We'll attempt to boil down to salient points for the Wall IPT. Suffice it to say, very complicated.

V/r Karl

Karl H. Calvo, CFM, PMP  
Assistant Commissioner  
Office of Facilities and Asset Management

(b) (5)

(b) (5)

(b) (5)

ATTORNEY-CLIENT PRIVILEGED/ATTORNEY WORK PRODUCT

This communication might contain communications between attorney and client, communications that are part of the agency deliberative process, or attorney-work product, all of which are privileged and not

subject to disclosure outside the agency or to the public. Please consult with the Office of Chief Counsel, U.S. Customs and Border Protection before disclosing any information contained in this email.

---

**From:** (b) (6), (b) (7)(C)

**Sent:** Tuesday, May 16, 2017 2:28 PM

**To:** (b)(6) (b)(7)(c)

**Cc:** (b)(6) (b)(7)(c)

(b)(6) (b)(7)(c)

(b)(6) (b)(7)(c)

**Subject:** FOR WALL IPT: Update on Buy American Act

(b) (6), (b) (7)(C)

We're working on the Wall IPT slides for the meeting Thursday and I know that EAC Kolbe is interested in any updates on the Buy American Act.

Do you have a few bullets we can include in the deck? Can you send me something by 10:00 AM tomorrow (5/17)?

Thanks,

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

Special Projects Analyst

Agile Group

Office of Facilities and Asset Management

U.S. Customs and Border Protection

Mobile: (b) (6), (b) (7)(C)

(b)(6) (b)(7)(c)

---

(b) (5)

(b) (5)

(b) (5)

## Section H - Special Contract Requirements

### 3052.215-70 Key Personnel or Facilities (Dec 2003)

(a) The personnel or facilities specified below are considered essential to the work being performed under this contract and may, with the consent of the contracting parties, be changed from time to time during the course of the contract by adding or deleting personnel or facilities, as appropriate.

(b) Before removing or replacing any of the specified individuals or facilities, the Contractor shall notify the Contracting Officer, in writing, before the change becomes effective. The Contractor shall submit sufficient information to support the proposed action and to enable the Contracting Officer to evaluate the potential impact of the change on his contract. The Contractor shall not remove or replace personnel or facilities until the Contracting Officer approves the change.

The Key Personnel or Facilities under this Contract are:

Contractor's Construction Superintendent  
Contractor's Project Manager  
Contractor's Lead Designer

However, additional Key Personnel may be added at the task order level per the TO RFP.

### Disclosure of Information (Mar 2003)

(a) General: Any information made available to the Contractor by the Government shall be used only for the purpose of carrying out the provisions of this contract and shall not be divulged or made known in any manner to any persons, except as may be necessary in the performance of the contract.

(b) Technical Data Rights: The Contractor shall not use, disclose, reproduce, or otherwise divulge or transfuse to any persons any technical information or data licensed for use by the Government that bears any type of restrictive or proprietary legend except as may be necessary in the performance of the contract. Refer to the Rights in Data clause for additional information.

(c) Privacy Act: In performance of this contract the Contractor assumes the responsibility for protection of the confidentiality of all Government records and/or protected data provided for performance under the contract and shall ensure that (a) all work performed by any subcontractor is subject to the disclosure restrictions set forth above and (b) all subcontract work be performed under the supervision of the Contractor or their employees.

### Post Award Evaluation of Contractor Performance (Jul 2014)

#### A. Contractor Performance Evaluations

Interim and final performance evaluation reports will be prepared on this contract or order in accordance with FAR Subpart 42.15. A final performance evaluation report will be prepared at the time the work under this contract or order is completed. In addition to the final performance evaluation report, an interim performance evaluation report will be prepared annually to coincide with the anniversary date of the contract or order. Interim and final performance evaluation reports will be provided to the contractor via the Contractor Performance Assessment Reporting System (CPARS) after completion of the evaluation. The CPARS Assessing Official Representatives (AORs) will provide input for interim and final contractor performance evaluations. The AORs may be Contracting Officer's Representatives (CORs), project managers, and/or contract specialists. The CPARS Assessing Officials (AOs) are the contracting officers (CO) or contract specialists (CS) who will sign the evaluation report and forward it to the contractor representative via CPARS for comments.

The contractor representative is responsible for reviewing and commenting on proposed ratings and remarks for all evaluations forwarded by the AO. After review, the contractor representative will return the evaluation to the AO via CPARS.

The contractor representative will be given up to fourteen (14) days to submit written comments or a rebuttal



statement. Within the first seven (7) calendar days of the comment period, the contractor representative may request a meeting with the AO to discuss the evaluation report. The AO may complete the evaluation without the contractor representative's comments if none are provided within the fourteen (14) day comment period. Any disagreement between the AO/CO and the contractor representative regarding the performance evaluation report will be referred to the Reviewing Official (RO) within the division/branch the AO is assigned. Once the RO completes the review, the evaluation is considered complete and the decision is final. Copies of the evaluations, contractor responses, and review comments, if any, will be retained as part of the contract file and may be used in future award decisions.

B. Designated Contractor identify a primary representative for this contract and provide the full name, title, phone number, email address, and business address to the CO within 30 days after award.

C. Electronic Access to Contractor Performance Evaluations

The AO will request CPARS user access for the contractor by forwarding the contractor's primary and alternate representatives' information to the CPARS Focal Point (FP).

The FP is responsible for CPARS access authorizations for Government and contractor personnel. The FP will set up the user accounts and will create system access to CPARS.

The CPARS application will send an automatic notification to users when CPARS access is granted. In addition, contractor representatives will receive an automated email from CPARS when an evaluation report has been completed.

**Government Consent of Publication/Endorsement (Mar 2003)**

Under no circumstances shall the Contractor, or anyone acting on behalf of the Contractor, refer to the supplies, services, or equipment furnished pursuant to the provisions of this contract in any news release or commercial advertising without first obtaining explicit written consent to do so from the Contracting Officer.

The Contractor agrees not to refer to awards in commercial advertising in such a manner as to state or imply that the product or service provided is endorsed or preferred by the Federal Government or is considered by the Government to be superior to other products or services.

**Ordering Procedures**

Ordering of design and build services under this contract shall be accomplished through the issuance of written fixed price task orders.

In accordance with FAR 16.505(b)(1), the Contracting Officer will ensure that all Contractors (IDIQ contract holders) receive a fair opportunity to compete for task orders issued under this contract. When there is a requirement for a task order to be fulfilled, the Government will issue a Request for Proposals (RFP) to all Contractors under the IDIQ contract. Each TO RFP will define and include the requirements, proposal instructions, evaluation criteria, and clauses unique to the award of the individual task order, including an explicit designation of the applicable FAR Part 25 clauses. Unless otherwise specified, all applicable clauses in the IDIQ contract shall apply at the task order level,

The TO RFPs will define the bonding requirements for each task order. Future TO RFPs will require Offerors to bond for the full value of the awarded task orders in accordance with the values set forth in FAR 52.216-9, "Order Limitation." All offerors shall be able to bond for the full value of any future task order in order to be considered eligible in the evaluation and award of such task orders under the IDIQ contract.

After the Government has completed an evaluation of the submitted proposals, the CO may conduct discussions with the Contractors, as needed, to resolve and/or understand any concerns within their RFP proposals. Following any discussions with the Contractors, the CO will issue a written task order to the Contractor who provides the best value to the Government, as defined in each task order.

All task orders issued under this contract shall conform to the provisions of the contract clauses FAR 52.216-18 "Ordering," and FAR 52.216-9, "Order Limitation," contained in the contract.

The only office(s) authorized to issue task orders under this contract are:

U.S. Customs and Border Protection  
Office of Acquisition

[END OF SECTION H]